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FORT NEW AMSTERDAM

(NEW YORK), 1651.



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Except a loaned book."

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BY

THE MAYOR, ALDERMEN, AND COMMONALTY OF
THE CITY OF NEW-YORK,

IN COMMON-COUNCIL CONVENED,

FOR

THE GOOD RULE AND GOVERNMENT

OF

THE INHABITANTS AND RESIDENTS

OF

SAID CITY.



Passed and published the 18th day of April, 1803,

IN THE MAYORALTY OF

EDWARD LIVINGSTON.



NEW-YORK :

PRINTED BY GEORGE F. HOPKINS, AT WASHINGTON'S HEAD,
NO. 118, PEARL-STREET.

1803.

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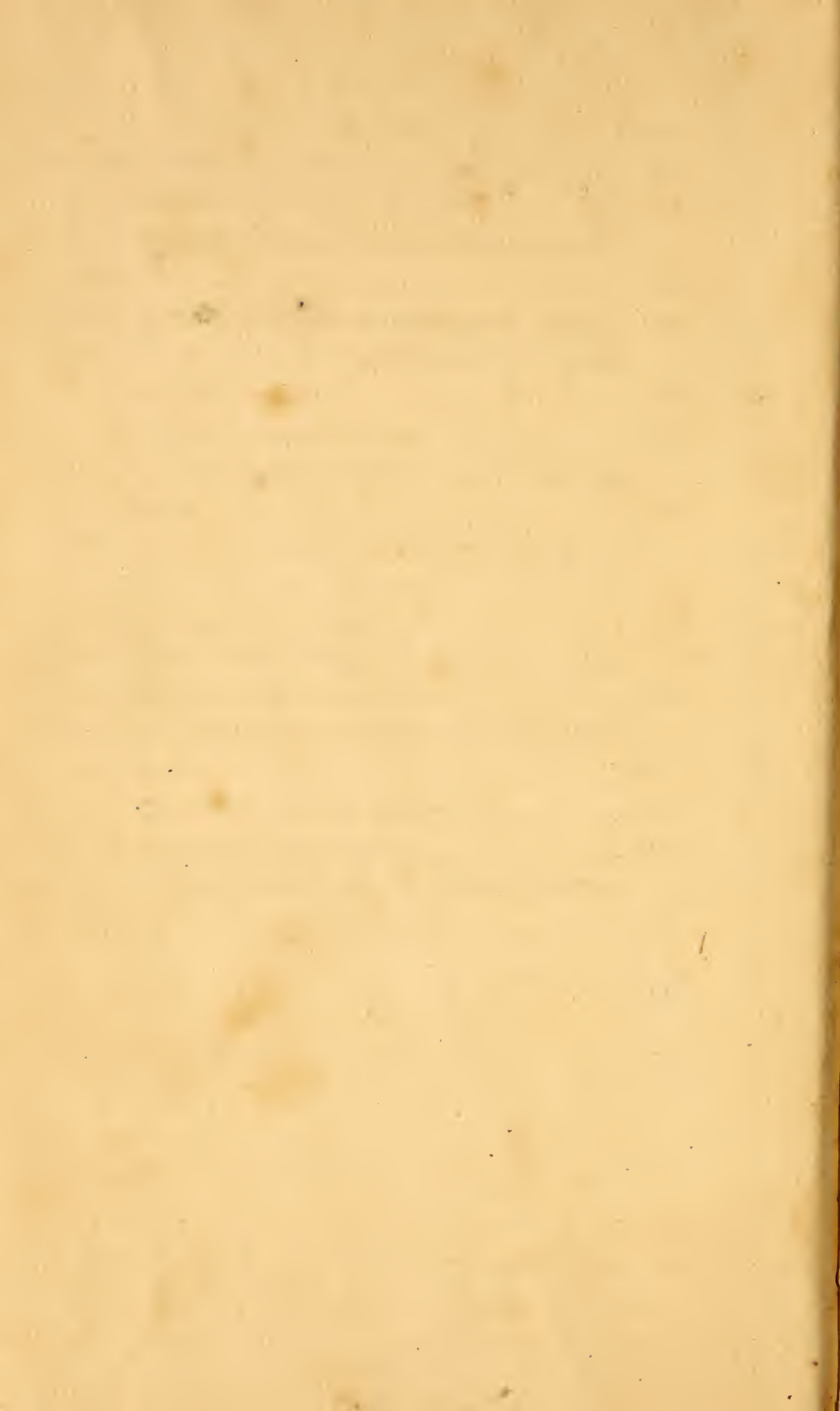
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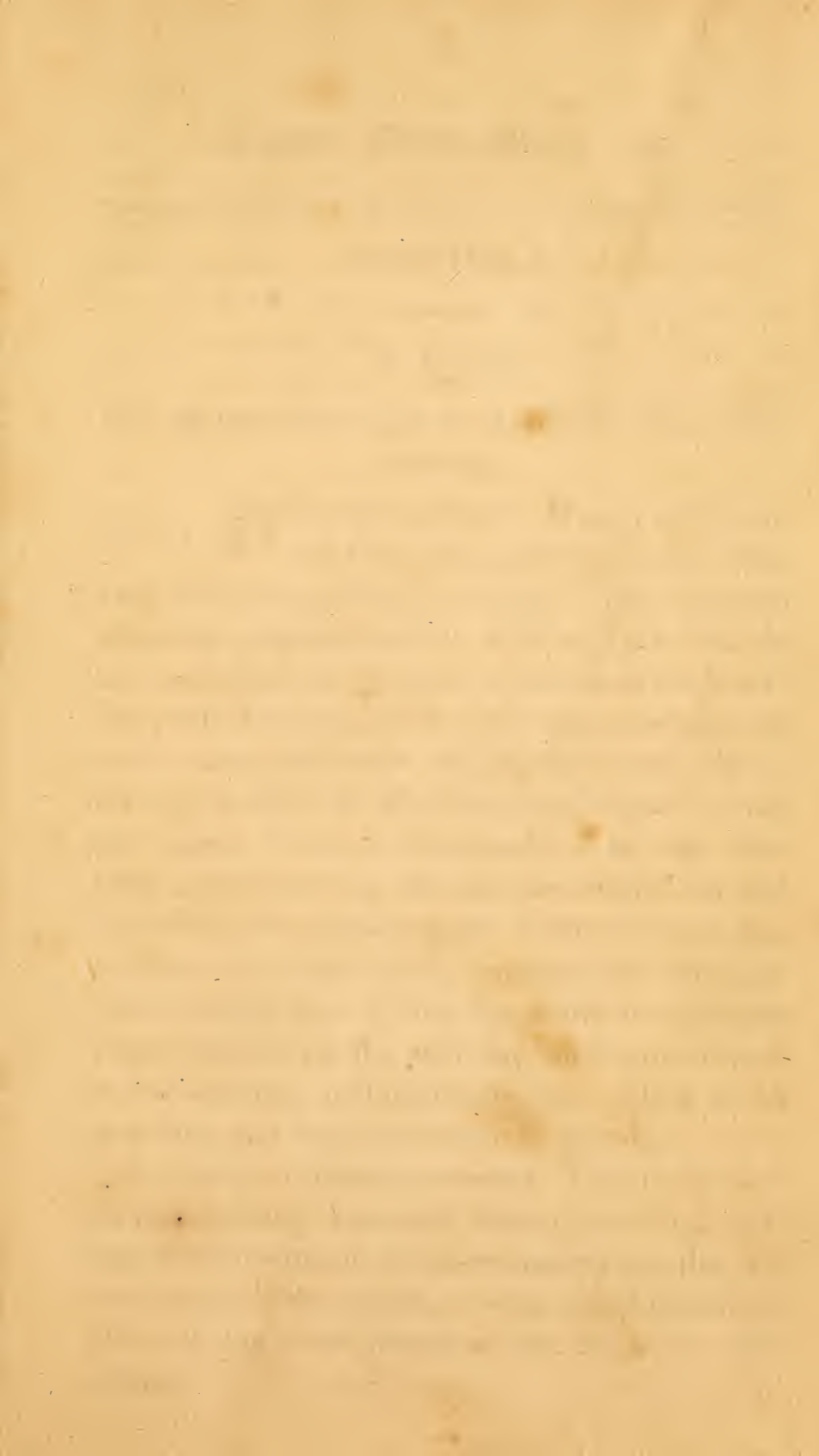
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THE CONSTITUTION

1787

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Laws, Ordinances, &c.

CHAPTER I.

A LAW

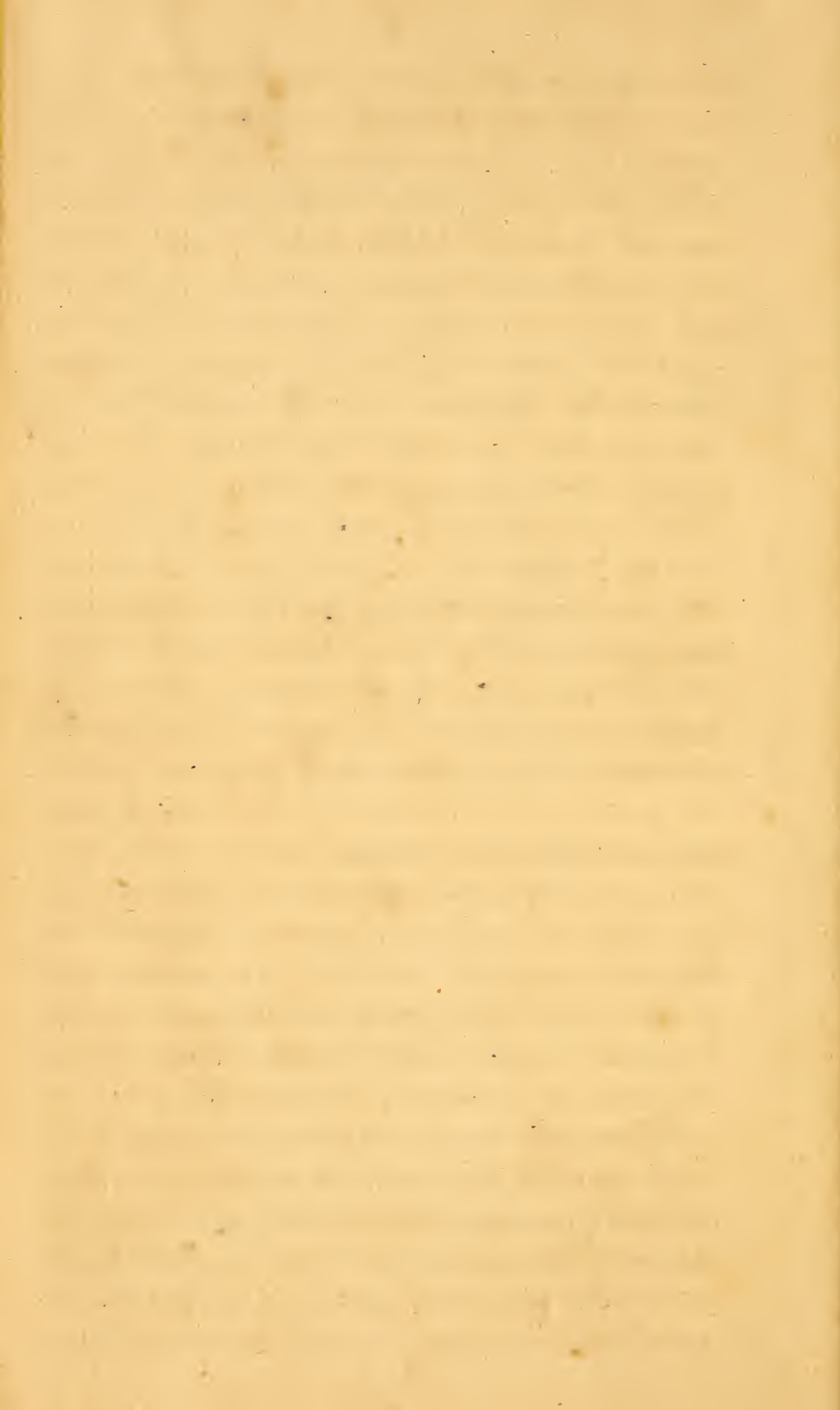
For the due Observance of the Lord's Day, called Sunday.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That no person or persons, within the City of New-York, shall do any manner of servile work or labour on the Lord's Day, called Sunday, (works of piety, charity or necessity excepted) under the penalty of *five dollars*; nor buy or sell, nor show forth nor expose to sale any goods, wares or merchandizes, or *any other thing whatsoever*, on the said day within the said city, under the penalty of *five dollars* for each sale, purchase, showing forth or exposure for sale: provided always, that it shall be lawful to sell small meats and fish on the said day until nine o'clock in the morning; and milk until nine o'clock in the morning, and after four in the afternoon.

2. *And be it further ordained*, That there shall be no travelling, shooting, fishing, sporting, playing, horse-racing or horse-swimming on the said day, in any of the streets, or other place within the said city, under the penalty of *five dollars* for each offence.

3. *And be it further ordained*, That no public inn-keeper, victualler, or keeper of an ordinary, shall entertain or receive company in his, her, or their house, or other place or places, under the penalty of *five dollars* for each offence; nor shall any such inn-keeper, victualler, or keeper of an ordinary, sell any wine or other strong liquor on the said day, unless to strangers travelling, or those who lodge in such houses for their necessary refreshment, under the penalty of *five dollars* for each and every time he, she, or they shall so sell any wine or other strong liquor to any person or persons: *And further*, that no inn-keeper, victualler, or keeper of an ordinary, shall permit any person or persons, to come to and remain in their house on the said day, and there to be tipling; nor shall they at any time suffer any excessive drinking, or persons to be drunk in their houses, under the penalty of *ten dollars* for each offence.

4. *And it is hereby enjoined on the High Constable and other Constables and Marshals*, and they are hereby authorized and required to enter into all or any of the houses of the said public inn-keepers, victuallers, or keepers of an ordinary, and if any person or persons shall be found tipling, or drunk therein, or shall be guilty of any of the offences mentioned in this ordinance to detain him, her or them, until they shall discover his or her name and place of abode, and then to direct and order them forthwith to depart the said house; and if any such person or persons shall not discover his or her name or place of abode, or will not when directed depart the said house,





it shall be the duty of such constable or marshal, forthwith to bring the said person or persons before the Mayor, Recorder, or one of the Aldermen, or other Magistrates of the said city; and if upon the oath or affirmation of the said constable or marshal, such person or persons shall be found guilty of either refusing to discover his or her name, or his or her place of abode, or refusing to depart the said house when required, such person or persons shall forfeit and pay forthwith the sum of *three dollars*, or be committed to the bridewell for the term of twenty-four hours.

5. *And be it further ordained*, That if any person who shall contravene this ordinance shall be a minor, an apprentice, a bound or hired servant, or a slave, his or her parent or guardian, master, mistress or owner, as the case may be, shall be deemed liable to pay the penalty so incurred, and shall and may be prosecuted for the same as aforesaid.

6. *And be it further ordained*, That the attorney of this board shall be authorized, after the recovery and receipt of any penalty under and by virtue of this ordinance, to pay over to the person (except such constables and marshals who are employed and paid by this board) who shall give the said attorney such information of any offence against this ordinance, as shall enable the said attorney to prosecute the offender to judgment, such part thereof, (not exceeding one half part of the said penalty so recovered and received) as in his judgment he shall deem meet and proper.

7. *And be it further ordained,* That all fines, forfeitures and penalties imposed in and by any law or ordinance made, passed and ordained by the Mayor, Aldermen and Commonalty of the city of New-York, shall and may be recovered and levied with costs of suit, in any court having cognizance thereof.

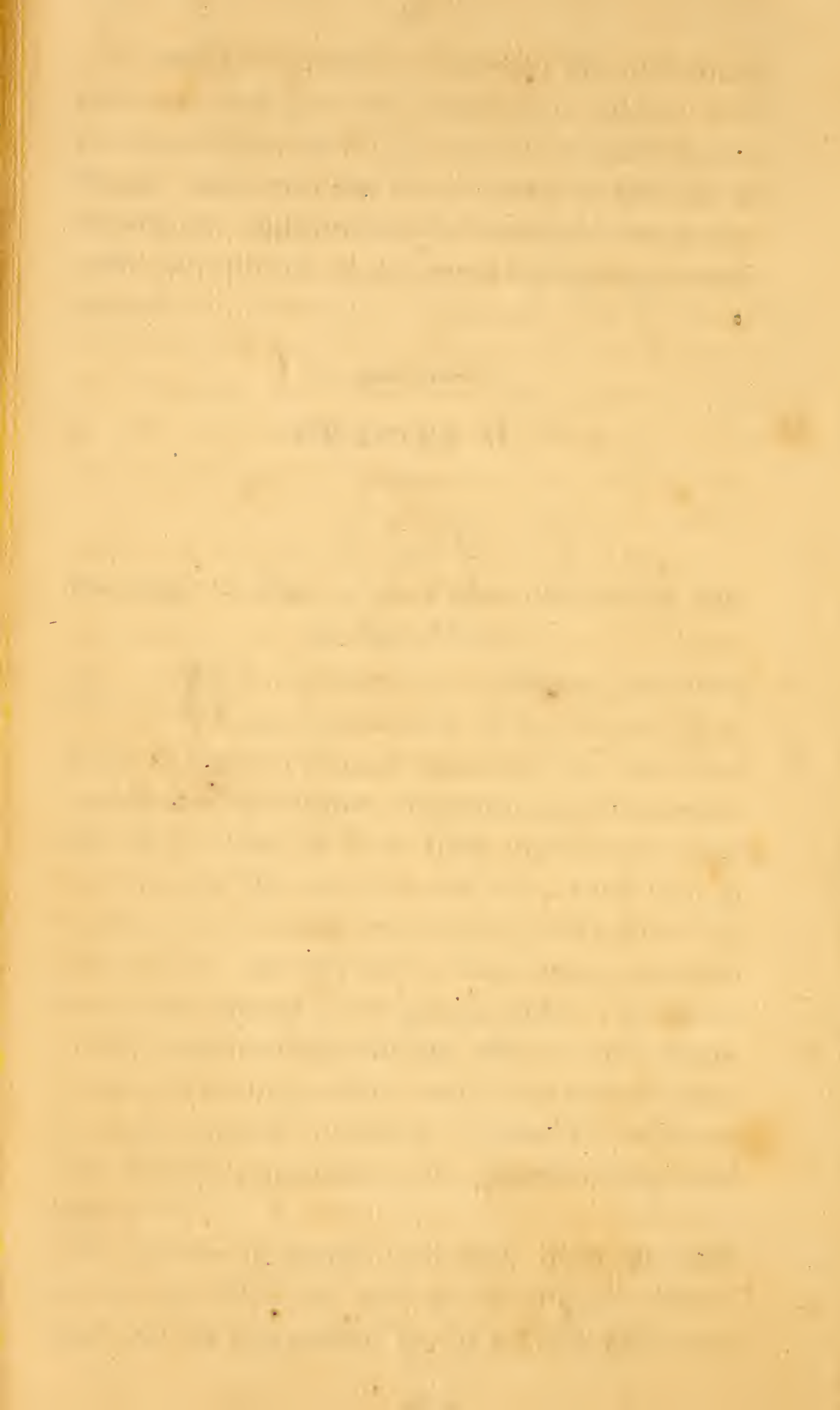
CHAPTER II.

A LAW

Directing the Uses of the Public Seals of the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That the Common Seal of the Mayor, Aldermen, and Commonalty of the City of New-York, commonly called the *Common Seal* of the said city, shall be and remain in the custody and keeping of the Common Clerk of the said city for the time being, and shall be put and affixed to all grants, leases, certificates of the freedom of the said city, and all other instruments and writings which shall, from time to time, be made, granted, or issued by order of the Common Council, pursuant to the charter of the said city.

2. *And be it further ordained,* That the Seal commonly called the *Seal of the Mayor's Court*, shall also be and remain in the custody and keep-





ing of the said clerk, and shall be applied and affixed to all process issuing out of the Court of Common Pleas, called the Mayor's Court, and out of the Court of General Sessions of the Peace, and to such exemplifications of records and other proceedings in the said courts as are usually and necessarily certified under the said seal, and to no other purposes whatsoever.

3. *And be it further ordained*, That the Seal commonly called the *Seal of Mayoralty*, shall be and remain in the custody and keeping of the Mayor of the said city for the time being, and be by him put and affixed to all such writings and instruments as are usually and customarily certified under any Seal of Mayoralty.

CHAPTER III.

A LAW

To regulate the Admission of Freemen in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That each person hereafter to be admitted and made a free-man of the said city, (other than such as were born or have served a regular apprenticeship of seven years within the same) shall pay as follows, to wit: A merchant, trader, or shop-keeper, the sum of *twelve dollars and fifty cents*, and a mechanic the

sum of *two dollars and fifty cents*, for the use of the corporation of the said city; and that every person on being admitted and made free as aforesaid, shall pay the following fees, to wit: *one dollar* to the Clerk, and *twenty-five cents* to the Crier of the Mayor's Court.

2. *And further*, That each person hereafter to be admitted and made a freeman of the said city, shall take, before the Mayor and any four of the Aldermen, the following oath or affirmation, to wit:

I do swear, or affirm, (as the case may be) That I, as a freeman of the city of New-York, will maintain the lawful franchises and customs thereof: that I will keep the said city from harm as much as in me lieth, and that I will in all things do my duty as a good and faithful freeman of the said city ought to do.

CHAPTER IV.

A LAW

To regulate the Public Markets in the City of New-York.

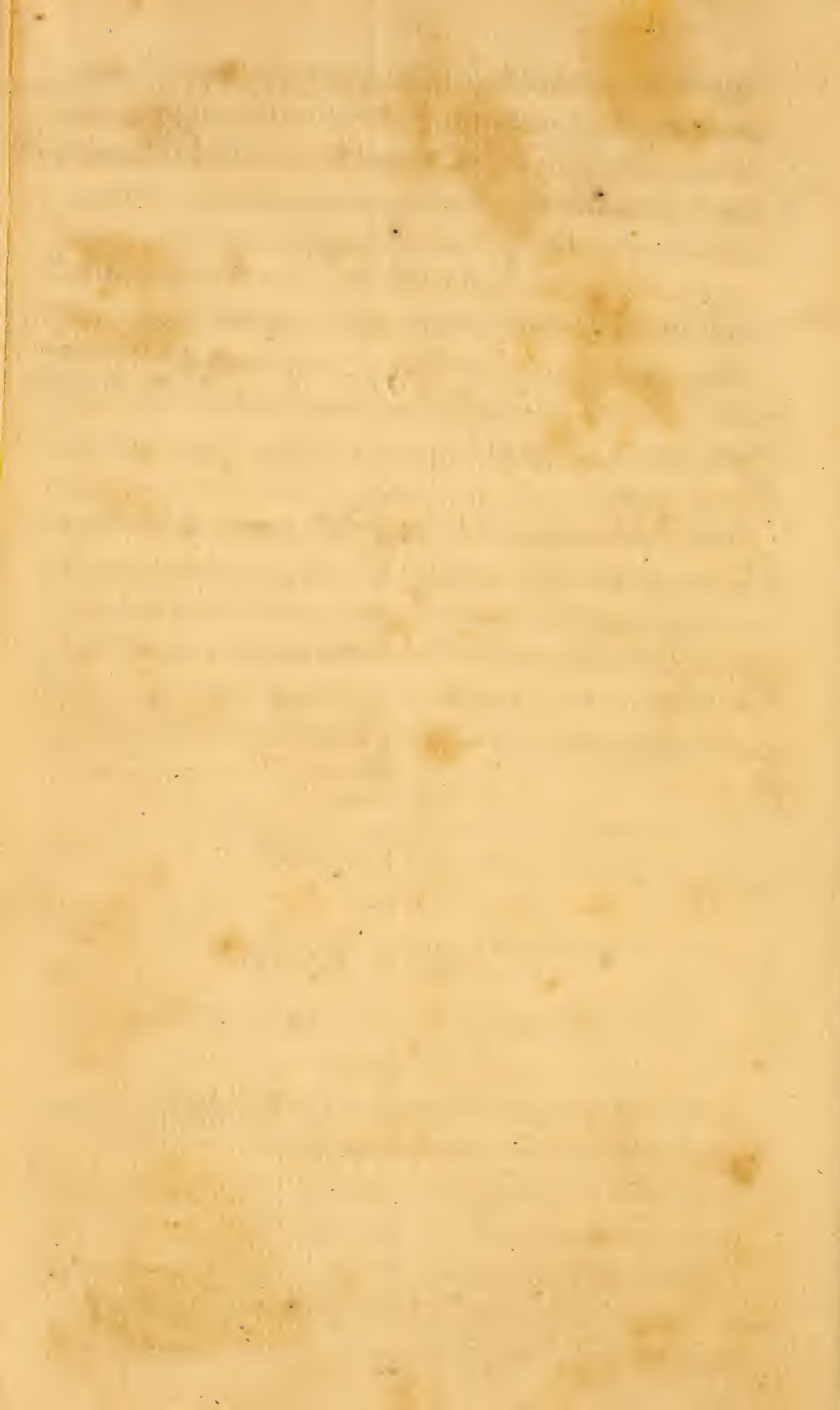
SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That every day in the week, *except Sunday*, shall be, and hereby is appointed a Public Market Day within this city; and that the Public Markets shall be held at such place or places as the Common Council of the said

An Ordinance to amend an ordinance
for the due observance of the Lords
Day called Sunday
Passed 15th July 1803

Be it ordained by the Mayor
Aldermen and Commonalty of
the City of New York in Common
Council convened that so much
of the said ~~Law~~ Ordinance as permits
the sale of small Wares on Sunday
until Nine o'clock in the Morning
be and the same is hereby is
repealed

A true Copy

N Roome



A Law to amend the Law entitled
a Law to Regulate the Public
markets in the City of New York
Passed June 14th 1803.

Be it ordained by the Mayor
Alderman and commonalty of the
city of New York in common coun-
cil convened, that no person or per-
sons shall occupy any part of
any of the public markets or
of any street at or near any of
the Public Markets, with out
first having obtained permission
for that purpose from a member
or members of the market commit-
tee or the clerk of the said markets
or his deputy, and if any person
or person shall occupy any part
or parts of the said street, or mar-
ket without permission as afore-
said, he or she or they shall forfeit
and pay the sum of five dollars
for each offence - A true Copy of the
original

city shall from time to time direct and appoint; and that such part or parts thereof as are or shall not be particularly appropriated to butchers or others, shall and may be occupied by all persons resorting to the said public markets to sell their provisions usually sold in the public markets of this city.

2. *And be it further ordained*, That no person other than a licenced butcher, shall cut up in any of the said public markets, or in any street in this city, any beef, pork, veal, mutton or lamb, or expose the same for sale by the joint or in pieces, under the penalty of *five dollars* for each offence.

3. *And whereas* a number of persons other than licenced butchers, who frequent the said markets, are in the habit of purchasing the articles before-mentioned, and selling the same in such parts of the market as are not appropriated to licenced butchers: *Be it therefore further ordained*, that it shall and may be lawful to and for the clerk of the market or his deputies, or such person or persons as the Common Council shall from time to time for that purpose appoint, to have, demand and receive from the said person or persons, for each quarter of beef brought into either of the said public markets *eighteen cents*; for every hog, shoat or pig, *eighteen cents*; for each calf, sheep or lamb, *twelve cents*; and if any such person or persons shall deny the act of his, her, or their having purchased the article brought for sale in order to avoid the payment of the said several sums, he, she or they shall forfeit and pay the sum of *fifteen dollars* for each offence.

4. *And be it further ordained,* That no licenced butcher, his agent or servant, shall cut or expose for sale in any part of the said public markets, other than at his own licenced stall or standing, any beef, pork, veal, mutton or lamb, under the penalty of *five dollars* for the first offence, and if repeated, he shall forfeit his licence.

5. *And be it further ordained,* That no butcher shall sell any beef, pork, veal, mutton or lamb in any of the said public markets after the hour of one in the afternoon, between the last day of April and the first day of November ; and after the hour of two in the afternoon, between the last day of October and the first day of May (except on Saturday in the afternoon) under the penalty of *three dollars* for each offence.

6. *And be it further ordained,* That it shall not be lawful for any person or persons, until after the hour of twelve o'clock in the forenoon, to purchase in any of the public markets, or in any other part of this city, any provisions or articles of any kind usually sold in the said public markets, (except flour or meal) with intent to sell the same again on the same or any other day, under the penalty of *ten dollars* for each offence : And that it shall not be lawful for any person to purchase in any of the said public markets, any flour or meal with intent to sell the same again until the hour of four in the afternoon, under the penalty of *one dollar* for each and every hundred weight so purchased : *And further,* It shall not be lawful for any person commonly denominated a huckster, to sell or expose to sale

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in any of the public markets, or in any street or place within this city, any fruit, provisions, or articles of any kind usually sold in the said public markets (other vegetables than fruit excepted) under the penalty of *five dollars* for each offence.

7. *And be it further ordained,* That no person shall sell or offer for sale in any of the public markets aforesaid, or in any other part of this city, any unwholesome or stale articles of provision, or any blown or stuffed meat, or measly pork, under the penalty of *ten dollars* for each offence. *And it is hereby further ordained,* That the clerk of the said market or his deputy, or such person as the Common Council shall from time to time appoint, and any two butchers whom he may select for that purpose, shall be the judges to determine whether such article of provision sold or offered for sale as aforesaid, is stale or unwholesome, or whether such meat is blown or stuffed, or whether such pork is measly, and their judgment shall be final and conclusive, and if any person shall after such judgment as aforesaid, persist in selling or offering for sale such provision, meat or pork as aforesaid, he or she shall forfeit and pay the sum of *ten dollars* for each offence.

8. *And be it further ordained,* That no butcher or other person shall (between the first day of May and the first day of November in every year) bring into, or place in any of the said public markets any untried fat, commonly called gut fat, nor at any time or season the head of any sheep or lamb, unless

the same be skinned and properly cleaned ; nor any sheep or lamb in carcass or quarter, with the foot or trotter thereto, nor any hides or skins of any kind (calf-skins excepted) under the penalty of *two dollars* for each offence.

9. *And be it further ordained,* That all butter brought to any of the said public markets for sale shall be sold by weight, and that no person shall sell any butter in rolls, pots, piggins, tubs, pails or firkins, other than such as hath the weight marked thereon before it is brought into the market; nor sell or weigh out any butter into smaller quantities in any of the said public markets, under the penalty of *one dollar and twenty-five cents* for each offence. *And further,* That if any butter offered for sale as aforesaid, shall be found deficient in the weight at which it is offered for sale, the person selling or offering the same for sale, shall forfeit the sum of *one dollar and fifty cents* for each offence.

10. *And be it further ordained,* That it shall be lawful for the clerk of the market, or his deputies, or such person or persons as the Common Council shall, from time to time, for that purpose appoint, to have, demand, and receive from the butchers, and other persons resorting the said public markets to sell meat, for their respective stalls, standings, places, boards, shelter, and other things necessary for their standings in the said public markets, and for keeping the same clean ; and also for defraying the incidental charges of repairing the markets, rewarding the care and attendance of the clerk of

The first thing I noticed when I stepped out
of the house was the cold. It was a sharp
contrast to the warmth of the room. I
shivered as I walked down the path. The
leaves were still on the trees, but they
looked different. They were a pale yellow,
like old paper. The air was crisp and
clear. I could see the tops of the trees
in the distance. They were dark against
the light sky. I took a deep breath. The
smell of the leaves was strong. It was a
new smell, one I had never noticed before.
I walked on, feeling the ground beneath my
feet. It was soft and spongy. The leaves
were everywhere. They were on the ground,
on the trees, and in the air. I felt like I
was walking through a sea of gold. The
sun was shining brightly. It was a warm
glow. I felt happy. I was finally outside.
I had been waiting for this moment for so
long. It was perfect. I took another
breath. The air was so good. I felt like
I was in a new world. I was free. I was
home.

the markets or his deputies, or such other person or persons as aforesaid—the rates and sums of money following, to wit:

For each quarter of beef brought into the said public markets, *six cents*.

For every hog, shoat, or pig brought into and cut up for sale in the said public markets, *six cents*.

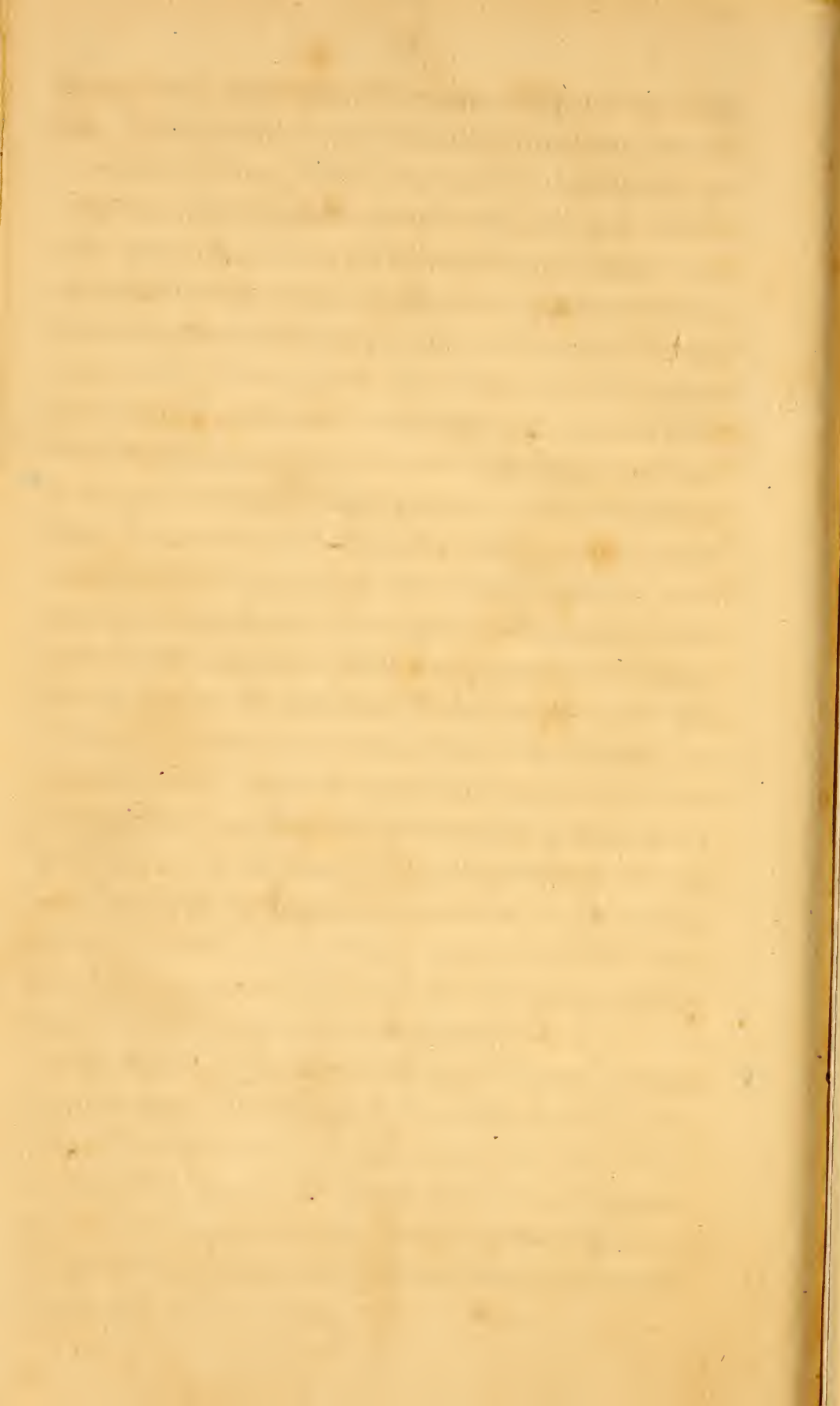
For each calf, sheep, or lamb, *four cents*.

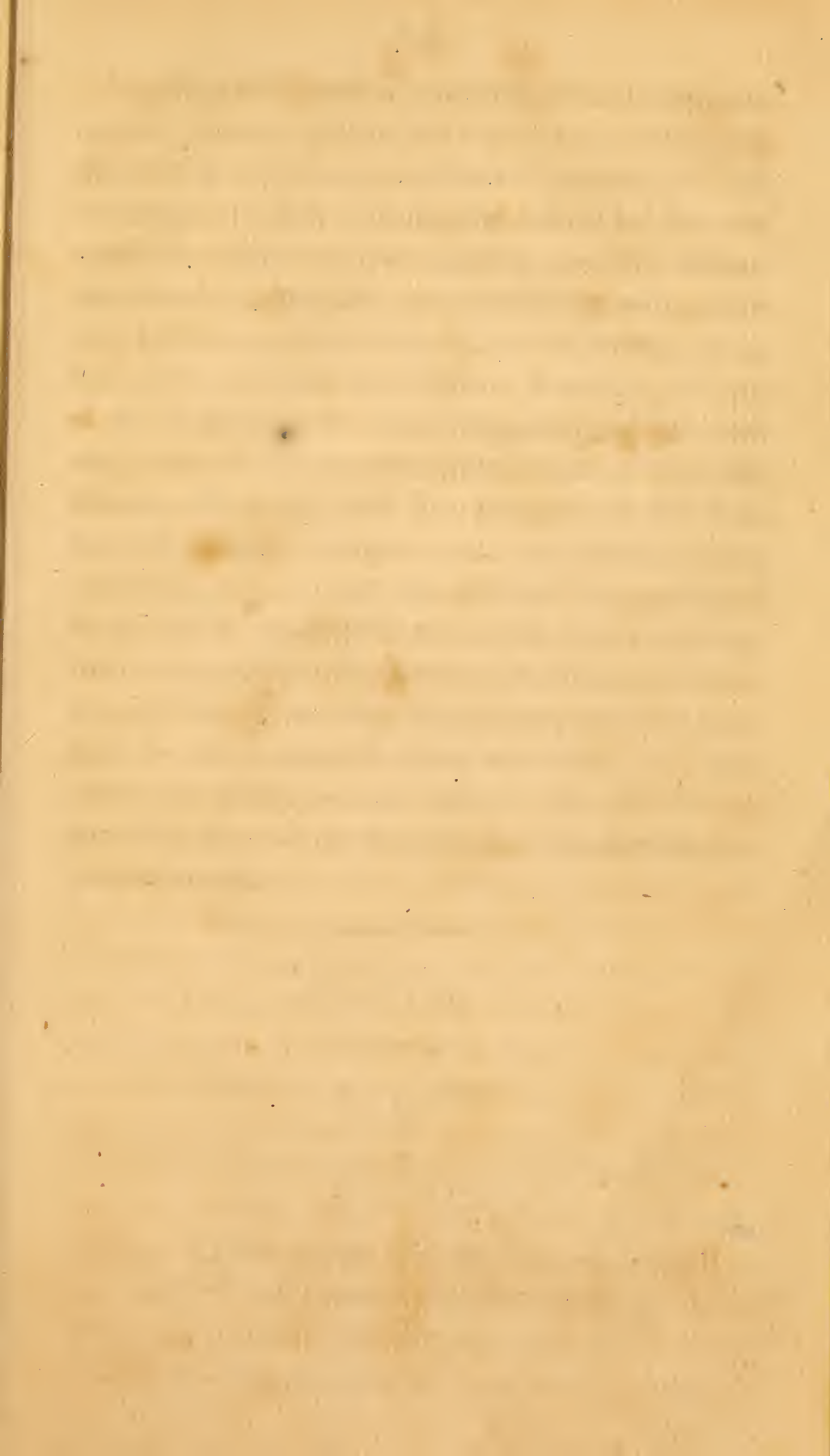
Provided always, That no person or persons, resorting to either of the said public markets, for the purpose of selling any of the articles before mentioned, which have not been purchased by him, her or them, and who shall not occupy any part of the said markets, but expose them for sale in any street adjoining or contiguous thereto, shall be exempt from the payment of any of the said fees.

11. And in order that a free and uninterrupted passage may be left for the citizens through the middle of the public markets, and in the streets adjacent thereto: *Be it further ordained*, That no person shall erect, fix, or put up any stall, table, or bench in any part of the said public markets, nor put down any cask, chest, bag, basket, or other article in the said public markets more than six feet from the outside of the floor thereof, under the penalty of *of one dollar and twenty-five cents* for each offence: That no person shall occupy any part of the street at or near any of the said public markets for the purpose of exposing for sale any garden produce, or other thing, other than such part of the street

as shall be, from time to time, assigned and set apart for that purpose by the Alderman and Assistant of the Ward: And if any person shall or do occupy any part of the street for the purpose aforesaid, other than such part as shall be assigned and set apart for the purpose aforesaid; such person on being required to remove, and refusing so to do, shall forfeit the sum of *one dollar and twenty-five cents* for each offence: and that each person who shall at any time bring to the said public market in a cart or waggon any garden produce or other thing to be sold, shall cause the same to be unladen immediately on its arrival, and shall forthwith thereupon cause such cart or waggon to be removed to some other place, so that such market or street may not be incommoded or obstructed by such cart or waggon after the same shall be unladen as aforesaid; and if any person shall neglect or refuse to unload his or her cart or waggon immediately on its arrival as aforesaid, or shall suffer or permit his or her cart or waggon to remain at the market or in the street as aforesaid, contrary to this law, every such person shall forfeit the sum of *one dollar and twenty-five cents* for each offence.

12. *And be it further ordained,* That no person shall exercise the office of a butcher in this city, unless he is licenced for that purpose by the Mayor, under the penalty of *twelve dollars and fifty cents* for every offence; and that every butcher shall hold his said office during the pleasure of the Common Council of the said city.





The first of these is the fact that the
government has been unable to
maintain a stable currency. The
value of the dollar has fallen
sharply since the war, and this
has led to a loss of confidence
in the government's financial
policy. The second is the fact
that the government has been
unable to maintain a stable
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13. *And be it further ordained*, That if any person or persons (other than a licenced butcher) shall be guilty of any offence contained in this ordinance, it shall and may be lawful for the said clerk or either of his deputies, or the person appointed as aforesaid, immediately to seize, take and safely keep such offender, and to bring him or her forthwith before the Mayor, Recorder, or one of the Aldermen, or other Magistrate of the said city, who shall upon due proof made of the said offence, direct the said fine imposed by this law, for the offence charged and committed, to be forthwith paid, or that the offender be committed to the jail or bridewell, for a term not exceeding thirty days, and such offender shall for ever thereafter be prohibited from frequenting the said markets, for the purpose of selling any article whatever, under the penalty of *ten dollars*, for each day or part of a day, he or she shall be there for the purpose aforesaid.

CHAPTER V.

A LAW

For establishing the Assize of Bread within the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That every Baker, or other person who shall use or carry on

the trade or business of a baker, either in person or by employing any other person to use or carry on the said trade or business, under his or her directions, or for his or her profit or benefit, within the city of New-York, shall cause all loaf bread whatsoever which he or she shall bake, or cause or procure to be baked, to be marked with the initial letters of his, her, or their Christian and Surnames, plainly to be seen, on each loaf thereof: and all loaf bread which shall not be so marked, shall be forfeited, and shall and may be seized and disposed of, to and for the use of the Poor of the City of New-York.

2. *And be it further ordained by the authority aforesaid,* That all bakers or other persons using or carrying on the trade or business of a baker as aforesaid, shall make or cause to be made, all their loaf bread of good and wholesome flour or meal, and according to the assize to be established in conformity to this ordinance, or any other ordinance hereafter to be passed, directing the Assize of Loaf Bread:—And all loaf bread baked within the city of New-York, which shall be found not to have been made of good and wholesome flour or meal, or not to be of good quality, or wanting in weight, according to the assize established at the time, shall be forfeited, and shall and may be seized and disposed of to and for the use of the Poor of the City of New-York; and the baker or person who shall cause or procure the same to be baked, shall moreover forfeit and pay *ten cents* for every loaf thereof.

3. *Provided always, and be it further ordained by the authority aforesaid,* That no bread shall be forfeited in consequence of the directions and provisions aforesaid for the want of weight only, unless the same shall be ascertained within eight hours after the same is baked; and that whenever any loaf bread shall be inspected or weighed to ascertain the weight thereof, more than eight hours after the same shall have been baked, the Inspector of bread shall make such allowance as in his judgment shall be just, having regard to the time the same shall have been baked more than eight hours, and if the same shall be found deficient in weight after making such allowance, the same shall be forfeited in the same manner as though it had been inspected or weighed within eight hours after the same was baked, and then found under the due weight according to the assize: and whenever an allowance respecting the weight of bread shall be claimed on account of its having been baked more than eight hours as aforesaid, the burthen of the proof respecting the time when it was baked shall be on the baker, or proprietor thereof.

4. *And be it further ordained by the authority aforesaid,* That the Inspector of Bread shall, when inspecting or weighing bread, make such allowance as in his judgment shall be just, for any deficiency of weight, only in what are commonly called split or twisted loaves.

5. *And be it further ordained by the authority aforesaid,* That the Common Council of the City of New-York shall, once in every three months, or

oftener if they shall deem it necessary, appoint a fit person or persons to be Inspector or Inspectors of Bread, whose duty it shall be to inspect and examine all loaf bread baked as aforesaid, and ascertain and determine whether the same is marked as is hereby required, and whether the same is made of good and wholesome flour or meal, and whether the same is of a good quality, and to ascertain the weight thereof; and to determine whether the weight be sufficient according to this ordinance and the established assize: and for those purposes, every such Inspector shall have power and authority, at all suitable times, to enter any bake-house, shop, store-house, or other building or enclosure where any loaf bread is or shall be baked, stored, deposited, or kept; and also to stop and detain in the street any baker, or other person or persons, with their waggons or other carriages carrying any loaf bread baked in this city as aforesaid; and there, or in any other suitable place, to inspect, examine, weigh, and determine respecting such loaf bread, according to the true intent and meaning of this ordinance; and if the same, or any part thereof, shall be forfeited and liable to seizure for not being conformable to the directions herein contained, the said Inspector immediately, or within six hours thereafter, shall convey, or cause to be conveyed, all such bread as shall be so forfeited, for any of the causes aforesaid, to the Alms-house of the city of New-York, there to be left for the use of the Poor of the said city: and if any loaf bread shall be forfeited as aforesaid, and shall, after the same has been

inspected or examined, and the forfeiture thereof been determined by the Inspector as aforesaid, and within six hours thereafter, be conveyed away or concealed, so that the Inspector shall not be able to find the same immediately to convey it to the Alms-house as aforesaid, the person or persons in whose bake-house, shop, store-house, or enclosure, the same shall have been left by the Inspector after ascertaining the forfeiture thereof, shall forfeit and pay for any loaf thereof so conveyed away or concealed, *twelve and a half cents.*

6. *And be it further ordained by the authority aforesaid,* That the Inspector or Inspectors to be appointed as aforesaid, shall, before he or they enter on the execution of the duties of his or their office, take an oath or affirmation before the Mayor or Recorder, well and faithfully to execute the powers and trusts reposed in him or them, without favour or partiality.

7. *And be it further ordained by the authority aforesaid,* That it shall be the duty of the Chamberlain to publish every Saturday in two of the daily newspapers printed in this city, an assize of bread for the ensuing week, according to the form herein after mentioned: *And further,* That in fixing the assize, the said Chamberlain shall estimate a barrel of flour to produce 4032 ounces of bread; and in order to ascertain the weight of a shilling loaf of the respective qualities of flour, the number of ounces shall be divided by a number equal to the number of shillings a barrel of flour of such quality may be worth at the fixing of the assize,

and the number 28 added thereto (being 28s. allowed the baker) and the quotient will be the number of ounces a shilling loaf shall weigh, in the following manner :—

Suppose a barrel of fine flower . . . 72s.

Compensation for baking 28s.

100 shillings.

Divide 4032 by 100, the quotient will be $40\frac{32}{100}$ being the ounces the shilling loaf must weigh; and that whenever the fractional parts are less than half an ounce, they shall be taken off the loaf, and when half an ounce or more, an ounce shall be added to it: *And further*, That it shall be the duty of the Chamberlain to deliver an account of the assize he may so establish to the Inspector of bread, or any baker, whenever called upon so to do.

Form of assize to be published.

Shilling loaf. 6d. loaf.

Superfine wheat flour oz. oz.

do. mixed with Indian meal . . oz. oz.

do. mixed with rye meal . . . oz. oz.

Rye flour oz. oz.

8. *And be it further ordained by the authority aforesaid*, That all mixed bread, whether baked with superfine flour and Indian meal, or superfine flour and rye meal, the assize thereof shall be made by the Chamberlain and Inspector or Inspectors in such manner as they shall in their judgment think just and proper.

9. *And be it further ordained by the authority aforesaid, That the ordinances passed the sixth day of April, be, and the same are hereby repealed.*

CHAPTER VI.

A LAW

For the appointment of a Street Commissioner, and to regulate the Paving and keeping in repair, and to prevent Obstructions in the Streets of the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That from and after the first Monday in May next, a discreet, industrious, and intelligent person, sufficiently qualified to perform the duties hereinafter assigned to him, be appointed, and be called and known by the name of the *Street Commissioner*.

2. *And be it further ordained, That it shall be the duty of the Street Commissioner to inquire into the subject matter of all applications to the Board for the regulating, paving, or otherwise improving of the streets, roads, or wharves, and to report to the Board the particular state of the circumstances of each case, and, if necessary, a survey or plan of the improvements thereby intended: to attend to the due execution of all ordinances or orders of the Common Council for the regulating, digging, filling, paving, or repairing of streets, roads, wharves*

and common sewers: to direct the prosecution of offenders against the laws contained in this act, and particularly persons guilty of intrusion or encroachments on the public streets or roads: to take the general charge of viewing and determining, from time to time, whether any and what improvements or repairs are necessary, and can be made, to any of the streets or roads, and to report the same to the Board, together with the best mode of doing the same: to attend to and direct such matters and things as are particularly committed to the Aldermen and Assistants of the respective wards: to direct the repairs of streets or walks, and to see that the gutters are bottomed with hard brick or cut stone: to order the removal of all lumber, or other things, with which any of the streets or wharves may be incumbered, under the like penalties as if directed by the Alderman and Assistant of the ward: and to attend to the surveying of lots about to be built on, to prevent encroachments on the streets or roads.

3. *And be it further ordained*, That the said Street Commissioner, for the time being, by virtue of his office, shall be one of the City Surveyors, and shall receive as a compensation for his services, the yearly sum or salary of one thousand two hundred and fifty dollars, to be paid quarterly.

4. *And be it further ordained*, That all streets within the said city of twenty-two feet wide and upwards, which shall hereafter be new paved, shall be paved agreeable to the following regulations, viz. The foot path or walk on each side of such street

shall be of the breadth of one fifth part of the width of the whole street, and be laid or paved, with brick or flat stone, and secured with cut or squared stone along the outside thereof: The middle or remaining three-fifths of every such street shall be and remain as a cartway or passage for carriages of burthen and pleasure, and shall have a gutter or kennel on each side thereof, and next adjoining the foot-path or walk, and shall be paved with sufficient paving stone, and arched as follows, that is to say, for every eighteen inches such cartway shall measure from the gutter or kennel to the middle of the street, the arch or rounding of such street shall be raised one inch, to commence at the respective gutters or kennels. *Provided always*, That if in any street so to be paved, the sides shall not exactly range, the gutter or outside of the foot-walk shall be laid out and made as nearly in a straight line as the street will admit of, and that the ascent and descent of every street shall be regulated by the Street Commissioner or by the *Surveyors of the said City*, or any two of them, to be by them reported to the Common Council for their approbation. *And further*, That no cellar-light in any street shall extend from any house more than one-fifteenth part of the width of the street; and no canopy, awning, shed, porch, portico, cellar-door, platform, stoop, or step, in any street, in any part of this city, shall extend more than one tenth part of the width of the street; and that no stoop, porch, or platform, other than with open backs or railing, and for the mere purpose of a passage-way into the house or building,

shall hereafter be built or continued in any street of this city, under the penalty of two dollars for each offence.

5. *And be it further ordained*, That if the proprietor or owner of any such cellar-light, canopy, awning, shed, porch, portico, cellar-door, platform, stoop, or steps, shall refuse or neglect to remove or take down the same, after notice and direction from the Alderman or Assistant of the Ward, or the Street Commissioner, to remove, or take down the same, such owner or proprietor shall forfeit and pay the sum of one dollar and twenty-five cents for every day the same shall remain contrary to this law as aforesaid: *Provided always*, That nothing in the preceding clause shall be considered to prevent any person from placing or fixing any awning made of cloth, before his or her house or store, if the lower part of the rail thereof be at least six feet six inches above the pavement.

6. *And be it further ordained*, That no post shall be erected or put up in any of the streets, roads, lands or highways, within the city or bounds of the said city, except at the corner or intersection of two streets, which are hereby ordered to be put up, under the direction, and to be approved of by the Alderman and Assistant of the respective Wards, or the Street Commissioner, under the penalty of *five dollars* for each offence.

• 7. *And be it further ordained*, That it shall not be lawful for any person to plant any tree in any street of this city, which is not more than forty feet wide, to the southward and westward of Catharine

street and Fresh Water Pond, under the penalty of *twelve dollars and fifty cents* for each offence ; and all trees which may be planted in any street of the breadth of forty feet and upwards, shall be planted on the foot-path or walk, under the penalty of *five dollars* for each offence.

8. *And be it further ordained*, That it shall not be lawful for any carman or other person, to drive any horse or cart, or any wheel carriage of burthen or pleasure, on the foot-path or walk of any street, under the penalty of *two dollars* for every offence. *And further*, If any carman or other person aforesaid, shall break or otherwise injure any such foot-path or walk, he or she shall, within twenty four hours thereafter, cause the same to be well and sufficiently repaired and amended, on pain of forfeiting *five dollars*.

9. *And be it further ordained*, That it shall not be lawful for any person to hang or place any goods, wares, or merchandize, in the front of his or her house, except for the purpose of immediate removal ; nor shall it be lawful for any person to load, drive, or ride any horse, or to wheel or drag any wheel or hand-barrow along, or to saw, or lay, or place any fire-wood, coal, or other thing, on any foot-path or walk aforesaid, whereby the same may be lumbered, or foot-passengers incommoded or endangered, under the penalty of *two dollars* for every offence.

10. *And be it further ordained*, That the owner or occupant of any house or other building, or lot or lots of ground, fronting any street, shall, at his

or her own charge and expense, or at the charge and expense of his or her landlord or landlady, well and sufficiently keep and maintain in good repair, so much of the same street as shall front the buildings and lots of ground belonging to, or in their respective possession as aforesaid, and at such time and times, and in such manner and form as shall from time to time be directed and appointed by the Alderman and Assistant of the Ward in which such house, or lot, or lots of ground shall be, or by the Street Commissioner; and if any owner or occupant shall refuse, neglect, or delay to repair his or her proportion of the street or walk, so as aforesaid, fronting his or her respective buildings and lots of ground, according to such directions and appointments as aforesaid, he or she shall, for every refusal or delay, forfeit the sum of *five dollars*.

And it is hereby further ordained, That each and every occupant of any house or other building, shall be severally liable to pay the penalty herein before mentioned.

11. *And be it further ordained*, That no person or persons shall encumber or obstruct any street, wharf, or pier, with any carriages, timber, boards, plank, staves, heading, pitch, tar, turpentine, grindstones, anchors, bricks, or any other kind of lumber, or other thing, without having first obtained leave or permission so to do, from the Mayor, or Recorder, or Alderman of the Ward, or the Street Commissioner, and that leave and permission is hereby limited and confined to persons only, that are or shall be building or repairing houses or other

buildings, under the penalty of *five dollars* for each offence : *And further*, That if the owner or owners of such timber or any of the other articles aforesaid, is or are not known, or shall reside out of this city, it shall and may be lawful for the Mayor, Recorder, or any one of the Aldermen of this city, or the Street Commissioner, upon his own view, or upon application made to any one of them, by any person or persons whomsoever, to order such carriages, timber, boards, plank, staves, heading, pitch, tar, turpentine, grind-stones, anchors, bricks, or other kind of lumber aforesaid, to be carted or removed from such street, wharf, or pier, which shall be encumbered with the same, into the yard of the Alms-house or Bridewell of this city, and to direct the immediate sale of so much thereof as will be sufficient to pay such forfeitures as aforesaid, and the expense of such cartage or removal, and that the remainder shall continue in the yard of the Alms house or Bridewell, until the owner or owners shall appear, prove his or their property, and pay to the Treasurer or Chamberlain of this city, for the use of the Corporation thereof, *two cents* for every cart load thereof, for every day that the same shall remain in either of the said yards.

12. *And be it further ordained*, That it shall not be lawful for any person to make, erect, or have any bow-window, or other window, to project into the street beyond the front of his or her house, or to hang or place any sign, to extend into the street more than one foot beyond the front of his or her house or lot, in any part of the city to the

southward and westward of Catharine-street and the Fresh Water Pond; and if any person shall hereafter erect or make, or continue any bow-window, or other window, projecting into the street beyond the front of his or her dwelling-house, contrary to this law, every such person shall forfeit and pay the sum of *seventy-five cents*, as a fine for every day such bow-window, or other window, shall be so continued: and if any person shall hang or place any sign to extend into the street more than one foot beyond the front of his or her house or lot, contrary to this law, every such person shall forfeit and pay, for the first offence, the sum of *seventy-five cents*, as a fine for the same; and for each offence thereafter, the sum of *one dollar and fifty cents*, as a fine for the same.

13. *And be it further ordained*, That whenever the timber, which heretofore was laid to secure the front or outer edge of the foot or side-walk, in any street, shall be so decayed as to require repair, cut or square stone shall be substituted in place of the wood so decayed; and if any foot or side-walk shall hereafter be repaired contrary hereto, the owner or occupant of the house or lot fronting the same, shall pay, as a fine, at the rate of *twenty-five cents* for each foot in length of such foot or side-walk so repaired.

14. *And be it further ordained*, That if any offence shall be committed against this law by any apprentice, servant, or slave, the forfeiture shall be recovered against, and be paid by the master or mistress of such apprentice or servant, and the owner of such slave.

 CHAPTER VII.

A LAW

For the Appointment of a Superintendant of Scavengers, and to prevent Nuisances in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That from and after the first Monday in May next, a discreet and industrious person of honest fame, shall be appointed, to be called and known by the name of the *Superintendant of Scavengers*.

2. *And be it further ordained*, That it shall be his duty, for and on account of this Board, to hire and employ such and so many Assistants, Scavengers, and other persons, as may be necessary to sweep the heads of slips and other public grounds, and to take charge of the mud machine, and superintend the cleaning the said slips; and to clean, carry away and sell all filth, dirt and rubbish, as may be found in the streets, and provide suitable places of deposit for the reception of the said filth, dirt and rubbish, until it can be so sold and removed. And that it shall be the duty of the said Superintendant to keep regular accounts of his expenditures and sales, and at least once in every year, on the first Monday in February, or oftener if he shall be thereunto required, settle the same,

and lay before the Common Council such statement thereof as will enable them to ascertain the sums of money that shall have been expended on all the principal objects in his department, and likewise the amount of sales: *And further*, It shall be the duty of the said Superintendant to examine into, and to direct the prosecution of all penalties incurred for breaches of ordinances relative to incumbrances by filth or nuisances, placed or found in the streets and highways, contrary to law, *and particularly, it shall be the duty of the said Superintendant and his Assistants, to report to the Street Commissioner any offences under the law entitled, "A Law for the appointment of a Street Commissioner, and to regulate the paving and keeping in repair, and to prevent obstructions in the streets of the city of New-York;"* That suits may be brought for the same; and generally to perform such other duties in relation to his office, as may from time to time be assigned to him by the Board.

3. *And be it further ordained*, That the Superintendant of Scavengers, before he shall enter upon the duties of his office, shall take an oath before the Mayor or the Recorder of the city, well and faithfully to discharge the duties thereof.

4. *And be it further ordained*, That he give security, in the penal sum of *five thousand dollars*, conditioned, that the Corporation shall not sustain any loss, by his improper or unfaithful application of their monies, and to account for the same, when thereunto required.

5. *And be it further ordained*, That the said Su-

perintendant of Scavengers, as a compensation for his services, shall receive the yearly sum or salary of *seven hundred and fifty dollars*, payable in quarterly payments.

6. *And be it further ordained*, That the owner or occupant of each and every house or other building, or lot or lots of ground in the said city, and adjoining to any street which is or shall be paved, shall twice in every week, upon the days herein after prescribed (until otherwise ordered by the Common Council of the said city) before the hour of *ten* in the morning, cause all the dirt and filth in their respective houses, cellars, alleys, yards and lots, to be brought out into the streets opposite to their respective buildings and lots, and shall cause all the dirt and filth in the said streets, as far as the middle of the same, and the gutter or kennel thereof opposite as aforesaid, to such buildings and lots, to be swept, scraped and collected together in heaps, in the middle of the same, in order that such dirt and filth may from time to time be removed by the persons who are or may be employed for that purpose by the Superintendent of Scavengers, under the penalty of *two dollars* for each neglect. *And it is hereby further ordained*, That each and every occupant of any house or other building, shall be severally liable to pay the penalty herein before mentioned.

7. *And be it further ordained*, That the person having the charge of any Church, or other place of public worship, College, School, Hospital, Jail, Alms-house, Prison, or Cemetery, adjoining to any

of the said paved streets, shall, in like manner, cause so much of the said streets, gutters, and kennels, as may be opposite thereto, and to the lots of land appertaining to the same, to be swept, scraped, and cleansed, and the dirt and filth thereof collected and laid in heaps, twice in every week, on the days hereinafter mentioned, under the penalty of *three dollars* for each neglect.

8. *And be it further ordained*, That the duties aforesaid shall be performed by the owners or occupants, and persons having the charge, as aforesaid, of houses and other buildings, and lots of ground, adjoining to the Broadway in the said city, or situated to the westward thereof, which shall be called the *First Division*, on every Monday and Thursday; and that the owners or occupants, and persons having the charge as aforesaid, of houses and other buildings and lots of ground in the said city, situated to the southward of the Broadway, and to the westward of the easterly side of George-street, Ferry-street, and Peck-slip, which shall be called the *Second Division*, shall perform the duties required of them as aforesaid, on every Tuesday and Friday; and that the owners or occupants, and other persons having the charge of houses and other buildings and lots of ground in all the other parts of the said city, which shall compose the *Third Division*, shall perform the said duties on every Wednesday and Saturday in every week.

9. *And be it further ordained*, That before they proceed to the sweeping of the said streets, they shall cause the same to be sprinkled with water, under the penalty of *one dollar* for every offence.

10. *And be it further ordained,* That carts shall be employed to go daily, (Sundays excepted) for the purpose of collecting and removing all offals, garbage, and other filthy substances, from the cellars, yards and kitchens in the said city, and that the persons employed by the Superintendant to drive the said carts, shall give notice at proper intervals, of their approach, by ringing of a bell, and shall receive and carry away all such offals and garbage as may be delivered at the said carts. *And it is hereby further ordained,* That the inhabitants of the said city shall from time to time deliver to such Scavengers or other persons employed as aforesaid, all such offals and garbage as may be in their respective buildings, kitchens, cellars, or yards, under the penalty of *one dollar* for each neglect or refusal so to do.

11. *And be it further ordained,* That no person shall cast or lay in any street, lane or alley in the said city, any oysters, clams or other shell-fish, shells of any kind, ashes, cinders, manure, offals, garbage, vegetables, rubbish, soil, straw, hay, litter, broken glass, or earthen ware, shavings, paper or dirt, except on the days above prescribed for the sweeping and cleaning of the streets in the several parts of the said city, above designated, or for the purpose of immediate removal, and that no person shall in any manner obstruct any of the common sewers, drains, or kennels of the said city, under the penalty of *two dollars*, for every offence : *And further,* That no person shall cast or lay any of the articles before enumerated, in any of the slips or

docks in the said city, nor any human excrements, either in any such slip or dock, or in any street, lane or alley, in the said city, under the penalty of *ten dollars* for each offence.

12. *And be it further ordained*, That no person shall occupy or use any part of any street, lane, or alley, or any porch of any house or building in the said city, or erect any booth or platform in any such street, lane or alley, for the purpose of laying, opening or exposing to sale any oysters, or other kind of shell-fish, or any other fish, provisions or goods of any kind, without the permission of the Common Council of the said city, under the penalty of *two dollars* for every day.

13. *And be it further ordained*, That no oysters shall be brought into, or sold in the said city, between the first day of June and the thirtieth day of September; and if any person do, or shall bring into the said city, any oysters, or do or shall sell in the said city, any oysters contrary to this law, such person shall forfeit and pay as a fine, *two dollars* for any quantity of such oysters not exceeding one hundred, and in that proportion for any greater quantity.

14. *And be it further ordained*, That no person or persons shall have, use, make or keep in his, her or their dwelling-house, out-house, cellar, yard, or any other place whatever in any part of the said city, to the southward of Grand-street, on a line running from the East to the North-river, any noisome or offensive substances, nor any vat, pit, or pool of standing water, whether for tanners,

skinners or any other use, under the penalty of *five dollars* for every day the same shall be continued, nor shall throw, spill, or empty the same, or any part thereof, in any street or place other than the current or stream of the river, under the penalty of *five dollars* for each offence.

15. *And be it further ordained*, That no tanner, skinner, or other person, shall bring to, and keep in any part of the said city South and West of Catharine-street and the Fresh Water Pond aforesaid, during the space of twenty-four hours, any undressed or uncurried hides, skins or leather, or any blubber or other materials whatever, for dressing the same, which cause any noisome or offensive smell, under the penalty of *five dollars* for every twenty-four hours the same shall be so kept: *Provided always*, That nothing in this clause contained shall extend, or be construed to affect any tanner or skinner, vat or vats, pit or pits, in the place commonly called Beekman's-swamp, in the said city, which were made and placed there, on or before the twenty-ninth day of March, one thousand seven hundred and eighty-six.

16. *And be it further ordained*, That it shall be the duty of the Scavengers or Carmen employed by the said Superintendant, to remove and cart away all the dirt and filth, offals and garbage collected in heaps as aforesaid, or which may be delivered to them in pursuance of this law, on the days on which the same shall be so collected or delivered to such place or places, and in such manner as the said Commissioners shall and may, from time to time,

appoint, under the penalty of *four dollars* for every neglect.

17. *And be it further ordained*, That every cart employed by the said Superintendant, for the purposes aforesaid, shall have a tight box, the sides and forepart of which shall be two feet, and the tail-board not less than sixteen inches high, and shall have the words "*Dirt Cart*," and its number painted distinctly in black letters on the outside of the side-boards thereof; and no Scavenger or Carman shall, after the fifteenth day of May next, drive or use any cart for the purposes aforesaid, or any of them, unless the same shall be constructed and marked as aforesaid, under the penalty of *two dollars* for every offence.

18. *And be it further ordained*, That no person or persons, except such as are employed by the said Commissioners, shall take up, carry away or remove any of the dirt or filth from the said streets, under the penalty of *five dollars* for every offence: and if any licenced Carman shall be found guilty thereof, he shall forfeit his licence in addition to the said penalty.

19. *And be it further ordained*, That the owners or occupants of each house or lot of ground in the said city, and the person having charge of every Church, Cemetery, Jail, or other public building, and the land thereto belonging, adjoining to any street that has been or shall be paved, shall, within twenty-four hours after every fall of snow, cause the side walks of such streets opposite to such house, lot, building, or land, to be cleared of the same,

unless it shall be so congealed that it cannot be broken without injuring the pavement, under the penalty of *fifty cents* for the first twenty-four hours for every twenty-five feet in length that shall not be so cleared ; and under the like penalty for every twenty-four hours thereafter, and so in proportion for every greater or less space of ground remaining uncleared, and longer continuance of such neglect.

20. *And be it further ordained*, That no person shall inter any corpse in any Cemetery, or other place in the said city, to the southward and westward of Pump-street and Nicholas-street, unless in vaults or graves that shall be at least six feet deep, and without removing, disturbing, or exposing any other dead body or coffin, under the penalty of *ten dollars* : *And further*, That no corpse of any person who may die of any contagious or pestilential disease, other than the small-pox or measles, shall at any time be interred to the southward or westward of the said streets, under the penalty of *twenty-five dollars*, to be paid by every person offending in the premises, or assisting therein ; and if any porters or other persons who may be employed in carrying the dead to the place of interment, do, in passing through the street with a dead body, make use of or pass along the side walk of any street, every such porter or other person shall, for every offence, forfeit and pay *five dollars*.

21. *And be it further ordained*, That no made ground, or ground formerly covered with salt or stagnant water, within the said city, shall be turned up, or the surface thereof removed, at any time

during the months of June, July and August, unless by special permission of the Common Council of said city, under the penalty *twenty-five dollars* for every offence.

22. *And be it further ordained*, That the Street Commissioner and the Superintendant of Scavengers and his Assistants, shall and may, from time to time, view and examine between sun-rise and sun-set, all sunken lots, deep damp cellars, and all sinks and privies in the said city, which they may know or be informed are foul, and ill constructed, and shall and may direct the cleaning, altering and amending of the said sinks and privies, and the removal of all nuisances existing in and about the same, and the Street Commissioner shall and may direct the filling up, draining and raising of the said lots and cellars, and also shall and may report, from time to time, to the Common Council of the said city, all such lots, yards, cellars, sinks and privies, and all such public slips, as shall and may from time to time require to be altered or amended by the authority of the Corporation of the said city.

23. *And be it further ordained*, That if any carman or other person shall take up shavings from any workshop or other building, for the purpose of removal, and spill or scatter any part thereof in any street of this city, he or they shall pay as a penalty for every load or parcel so carelessly removed, the sum of *one dollar* for each and every offence.

24. *And be it further ordained*, That all sand or clay shall be carted in tight boxes, the sides and

forepart of which shall be two feet, and the tail-board not less than sixteen inches high, and well secured, so as to prevent any part of it falling or scattering in the street; and that no person shall cart or sell any sand or clay in any other manner, under the penalty of *one dollar* for each load.

25. *And be it further ordained*, That it shall not be lawful for any goats or swine to go at large in any part of this city; and that all goats and swine at any time found going at large in this city, shall be thereby forfeited to, and become the property of any person who shall seize and take up such goats or swine: *And further*, That it shall be lawful for any person or persons, who shall find any goat or swine going at large, or trespassing in any place in this city, to kill or destroy, or seize and take, and appropriate such goat or swine to his or their own use, or to drive or carry such swine to the Alms-house of this city, and deliver the same to the keeper thereof, for the use of the poor of this city; and the keeper of the Alms-house shall pay to the person delivering him any such swine, the sum of *seventy-five cents* for every such swine. *And further*, Every Constable and Marshal in this city, is hereby directed and required to seize and take all swine he shall find or see going at large in this city, and to drive or carry such swine to the Alms-house in this city; and to deliver the same swine to the keeper of the said Alms-house, for the use of the poor of the said city; and every Constable or Marshal who shall deliver any swine so found, to the keeper of the said Alms-house, shall receive for his trouble the

sum of *one dollar* for each swine so delivered, to be paid by the keeper of the said Alms-house.

26. *And be it further ordained*, That it shall not be lawful for any Carman or other person whatever, except under the direction of the Street Commissioner, and for public uses, to deposit or heap manure at any place to the southward of a line beginning at the outlet of the Swamp of Anthony Lisenard into Hudson's River, and running from thence to and along the North side of the dwelling-house late of Nicholas Bayard, thence to and along Bullock-street to the East-river, under the penalty of *twenty-five dollars* for each offence, and the further penalty of *one dollar* for every twenty-four hours which the same shall remain so deposited or heaped.

27. *And be it further ordained*, That no manure, filth or sweepings of the streets, which now is or hereafter may be collected in heaps, to the northward of the line last before mentioned, shall at any period, between the first day of May and the first day of December in any year, be carted down to any wharf to the southward of a line, beginning at the outlet of the swamp of Anthony Lisenard, into Hudson's River, and running from thence easterly, to the North side of Willet's-wharf, in the East-river, unless under the direction of the Superintendent of Scavengers, under the penalty of *twenty-five dollars* for each offence.

28. *And be it further ordained*, That no ship or vessel of any size or description whatever, shall come into, or lay in any public slip in this city,

without leave of the Superintendant of Scavengers, during the time that the mud machine and scow belonging to the public shall or may be employed, in cleansing such slip and removing the filth and mud therefrom, and if any ship or other vessel aforesaid shall or do, without leave as aforesaid, come into such public slip, in which the said mud machine and scow shall be so-employed, the master, owner, or persons having charge of such ship or other vessel, shall forfeit and pay as a fine *twenty-five dollars* : *And further*, That if the master, owner, or person having charge of such ship or other vessel, which shall be in such public slip, in which the said mud machine and scow shall be so employed as aforesaid, shall and do neglect, or refuse to remove such ship or other vessel from such public slip, when thereunto required by the said Superintendant of Scavengers, he shall forfeit and pay as a fine *twenty-five dollars* for every twenty-four hours, and in that proportion for a shorter or longer time such ship or other vessel shall be and remain in such slip.

29. *And be it further ordained*, That if any offence shall be committed against this law, by any apprentice, servant or slave, the penalty in such case shall be recovered from, and paid by, the master or mistress of the person offending.

 CHAPTER VIII.

 A LAW

For preventing and extinguishing Fires in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That the owner or occupant of every dwelling-house within this city, having less than three fire places, shall provide *one* leather bucket; and having three fire-places and less than six, *two*; and having six fire-places and less than nine, *four*; and having nine fire-places and upwards, *six*; and the owner or occupant of every brew-house, distilling, and sugar-house, shall provide *nine* buckets; and of every bake-house *four* buckets; each of which buckets hereafter to be made shall be sufficient to contain at least two gallons and a half of water, and shall be marked with at least the initial letters of the landlord's name, or with the number of the house to which it belongs, and the name of the street in which such house is situate, and shall be hung up in some conspicuous place in the entry or near the front door of such respective houses or buildings, ready to be used for extinguishing fires when there shall be occasion: and that such buckets shall be found and provided by the persons inhabiting or occupying such houses and buildings respectively,

at the expense of the owner: and if such inhabitant or occupant be a tenant, the price thereof shall be allowed and deducted out of the rent; and in case of any neglect in any of the matters herein before mentioned, the person offending shall, for every month he shall so neglect, forfeit the sum of *seventy-five cents* for each bucket deficient.

2. *And be it further ordained*, That so many Firemen shall, from time to time, be appointed in each of the wards of this city, as the Common Council shall deem proper, and shall be called *Fire Wardens*, whose duty it shall be, immediately on the cry or notice of fire, to repair to the place where it shall be, and to direct the inhabitants in forming themselves into ranks, for handing the buckets to supply the fire engines with water, in such places, and in such manner as they may think will best answer the purpose, under the direction however of the Mayor, Recorder, or any Alderman or Assistant of the said city, if present: and the citizens are hereby enjoined to comply with the directions of the Fire Wardens upon such occasions, and it is expected that all other persons will refrain from giving any orders or directions upon those occasions, and cheerfully obey such as shall be given by the persons authorized for that purpose: and in order that the Magistrates and Fire Wardens may be more readily distinguished at fires, the Mayor, Recorder, Aldermen and Assistants shall each have, upon those occasions, a white wand of at least five feet in length, with a gilded flame at the top; and each of the Fire Wardens shall wear,

upon those occasions, a cap with the city arms painted on the front, and the crown painted white, and carry in his hand, to be used as occasion may require, a speaking trumpet painted white: And the names and places of abode of the Fire Wardens shall be fixed up in writing in the Watch-house; and whenever a fire happens in the night, the Watchmen shall immediately give notice to each of the Fire Wardens: and it is enjoined on the inhabitants to place a lighted candle at a front window of their respective houses, in order that the people may pass through the streets with greater safety.

3. *And be it further ordained,* That the other Firemen of the said city shall, as often as any fire shall break out in the said city, immediately upon notice thereof, repair to their respective Fire Engines, and draw them to the place where such fire shall happen, and there, by the direction of the Mayor, Recorder, Aldermen, Assistants, Engineer, or Overseer of the fire engines, or any of them who shall be present, work and manage the said fire engines, and other tools and other instruments provided for that purpose, with all their power and skill for the speedy extinguishing such fire; and when the fire is extinguished, shall return the said fire engines and other tools and instruments, well washed and cleaned, to their respective places of deposit: and for the better keeping the said fire engines in good order and repair, and preserving the same from decay, the said Firemen shall, when the season of the year will permit, by the order and direction of

the Overseer of the fire engines, at least once in every month, and at such other time and times, when required by the Mayor, or any three Aldermen of the said city for the time being, or by order of the Common Council of the said city, draw out the said fire engines in order to their being examined, and work, manage and exercise the same, and wash and cleanse them, and see that they be in good order and condition, and fit for service upon any emergency; and if any Fireman shall neglect his duty herein, he shall forfeit and pay for every default, the sum of *seventy-five cents*: and if any Fireman shall neglect to attend at any such fire, or leave his engine while at any fire, or not do his duty upon such occasion without reasonable cause, he shall, for every default, forfeit and pay the sum of *one dollar and fifty cents*: and if any Fireman shall refuse or neglect to do his duty as such in attending fires, or in any working, managing, exercising, trying or using the said fire engines and other tools and instruments provided for extinguishing fires, every such fireman shall, besides the fines and penalties aforesaid, be removed and displaced from his said office.

4. *And be it further ordained*, That the chief Engineer shall, as soon as may be, after any fire is extinguished, cause all the buckets to be collected and carried to the City-Hall and placed upon the pavement under the hall, that the citizens may know where to find them: and if any of the buckets be injured, he shall cause the same to be

repaired, and render an account of the expense thereof to the Common Council of this city, in order that the said expense may be paid out of the revenue of this city.

5. *And be it further ordained,* That the Fire Wardens in each ward shall, from time to time, examine the houses and buildings in their respective wards, and see that they be properly furnished with buckets according to law, and report all delinquents to the Mayor, Recorder, or one of the Aldermen of the said city; and shall also, from time to time, examine the fire places and chimnies of all houses, out-houses, and buildings, and all stoves and the pipes thereof, and the places where ashes are or shall be kept, in their respective wards; and upon finding any of them defective or dangerous, shall give notice thereof to the Mayor, Recorder, or one of the Aldermen of the said city, who shall, at his discretion, order the same to be swept, altered, or amended; and if any person shall neglect or refuse to obey such order, such person shall forfeit and pay the sum of *one dollar and twenty-five cents*.

6. *And be it further ordained,* That no person shall erect and use any stove in this city, unless the pipe or funnel for conducting the smoke thereof be led in a secure manner, so as not to endanger the building, into a proper brick or stone chimney or flue; and if any person shall erect and use any stove contrary to this law, such person shall forfeit and pay the sum of *five dollars* for each offence, and the further sum of *one dollar* for every day such stove

shall remain contrary to this law, and after notice given by the Alderman or Assistant of the Ward to remove the same.

7. *And be it further ordained,* That if any person shall lose any bucket or buckets at any fire that may happen in this city, upon due proof being made thereof, before the Mayor, Recorder, or any one of the Aldermen of the said city, and produced to the Common Council of the said city, within sixty days after such loss, the said Common Council will cause another or others to be made and delivered to the party, at the expense of the city: and if any person shall detain from the owner any bucket or buckets, which shall be used at any fire as aforesaid, above twenty-four hours after such fire is extinguished, such person shall forfeit and pay for every bucket so detained *two dollars and fifty cents*.

8. *And be it further ordained,* That if any chimney within this city shall take fire for want of being kept clean, the occupant thereof shall forfeit and pay the sum of *five dollars*, which may be sued for and recovered in the name of the Mayor, Aldermen and Commonalty of the City of New-York, but to the use and benefit of the Fire Department, by any person who shall be appointed by the said society from time to time for that purpose.

9. *And be it further ordained,* That no person shall have, put or keep any hay or straw in stack or pile, within one hundred yards of any building on the south side of a line beginning at the outlet of the swamp of Anthony Lispenard, into Hudson's

River, and running from thence to and along the north side of the dwelling-house late of Nicholas Bayard, deceased, and thence along the middle of William-street to and across the Bowery-lane to Bullock-street, and thence along the middle of Bullock-street to the East River, except in close buildings proper for the purpose. *And also*, That no person shall have, put or keep any hay or straw in any stable or other building not built of stone or brick, and covered with tile or slate, or other materials not subject to take fire, to the southward of the line aforesaid, which is or shall be within ten feet of any chimney, hearth or fireplace, or place for keeping ashes, nor in any dwelling-house whatever, under the penalty of *five dollars* for every offence: and if any person shall continue to keep any hay or straw in any such house, stable or building, or other place aforesaid, above forty-eight hours after conviction thereof as aforesaid, he or she shall be subject to the like penalty for such continuance, and so as often as it shall happen as aforesaid.

10. *And be it further ordained*, That no carpenter, joiner, cabinet-maker, or other person, shall have or keep in his house, shop, building or yard, any shavings, for a longer time than forty-eight hours; but every such person is hereby required to remove or cause to be removed, such shavings from his house, shop, building or yard, within the time aforesaid, under the penalty of *two dollars and fifty cents* for every neglect or refusal so to do: and that no person shall set on fire or burn any shavings,

chips, straw, or other combustibles, in any street or yard, in any part of this city, to the southward of a line to begin at the outlet of the swamp of Anthony Lispenard into Hudson's River, and to continue thence to and along the North side of the dwelling-house late of Nicholas Bayard, deceased, and thence along the middle of William-street to and across the Bowery-lane to Bullock-street, and thence along the middle of Bullock-street to the East River, under the penalty of *three dollars* for each offence.

CHAPTER IX.

A LAW

To regulate the keeping of Gun-Powder in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That no person or persons shall keep in any house, shop, store-house, or other place within two miles of the City-Hall of the said city (magazines of powder of the United States or of this State only excepted) any more or greater quantity of gun-powder at one time than twenty-eight pounds, and that in four separate stone jugs or in tin cannisters, each of which shall not contain more than seven pounds weight of gun-powder, under the penalty of *twelve dollars and fifty cents* for every offence.

2. *And be it further ordained,* That for the more safe conveyance of gun-powder through this city to and from any magazine or powder-house, the storekeeper shall procure and provide good tow cloth or leather bags or covers, in order to cover all casks of gun-powder that may hereafter be conveyed as aforesaid; and that no Carman or other person or persons whomsoever shall cart or carry any gun-powder through any street of this city, unless the same shall be covered with such tow cloth or leather bags as aforesaid, under the penalty of *five dollars* for every offence.

3. *And be it further ordained,* That no gun-powder shall be carried out of, or brought into this city in either of the ferry-boats at the same time with passengers and horses or cattle of any kind, under the penalty of *ten dollars* for each offence, to be paid by the Ferry-master of such ferry.

CHAPTER X.

A LAW

To regulate Surveyors in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That there shall be such and so many Surveyors appointed for this city, as the Common Council of the said city shall from time to time think proper; whose duty

it shall be to assist the said Common Council in the laying out and regulating of all the streets, roads, wharves and slips of the said city, and to lay out and survey all ground for the purpose of building on, and to advise and direct concerning the same: and that the said Surveyors so to be appointed as aforesaid, do, before they respectively enter upon the execution of the said office, take an oath well and truly to execute the same.

2. And in order that regularity and uniformity may be kept and observed in the streets and buildings within the said city,

Be it further ordained, That no person or persons whatsoever shall erect any building on his, her, or their ground, unless the same be previously viewed and laid out by the said Surveyors or one of them; nor in any other manner than they or one of them (with the advice and consent of the Alderman and Assistant of the Ward where such ground lieth) shall direct, under the penalty of *twelve dollars and fifty cents* for each offence.

3. *And be it further ordained*, That for laying out each house-lot, and giving a certificate thereof, the said Surveyor or Surveyors shall have and receive from the owner or owners thereof, the sum of *one dollar and fifty cents*.

4. *And be it further ordained*, That whenever the Surveyors or either of them shall be employed by order of the Common Council to take a survey, they shall have and receive at the rate of *four dollars* per diem for the same, and also the sum of *one dollar* per day shall be allowed them for an Assistant, when an Assistant shall be necessary: That a protractor or profile of the survey so taken shall

be delivered to the Street Commissioner, and no further or extra compensation shall be allowed therefor.

5. *And be it further ordained,* That for taking a survey for the purpose of regulating and paving streets, the said Surveyor or Surveyors shall have and receive at the rate of *four dollars* for each hundred feet so to be paved or regulated, including the numbers and breadth of the lots, the names of the owners and occupants of the same, and a profile of the said street; which sum shall be charged in the assessment of the street so to be regulated or paved.

CHAPTER XI.

A LAW

To regulate Carts and Carmen in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That no person shall drive any sled, cart, truck, or other carriage for the transportation of any goods, wares, merchandizes, fire-wood, or other things whatsoever, within the said city, for hire or wages, unless he shall be appointed or licenced as a Carman by the Mayor for the time being, under the penalty of *five dollars* for each offence: and that no person who hath been licenced as a Carman, and shall have been suspended or displaced by the Mayor, shall drive any cart, sled, or truck, for hire or wages.

as aforesaid, under the penalty of *ten dollars* for each offence.

2. *And be it further ordained*, That each sled or cart to be employed for the transportation of any goods, wares, merchandizes, fire-wood, or other things, shall be two feet five inches wide between the foremost rungs, and two feet nine inches wide between the hindmost rungs, and no more or less; and that all the rungs shall be three feet eight inches high above the floor of the sled or cart, and no more or less, under the penalty of *two dollars and fifty cents* for each offence, to be paid by the owner or possessor thereof.

3. *And be it further ordained*, That each Carman heretofore licenced, or hereafter to be licenced, shall immediately cause the number of his licence to be fairly painted upon each side of his cart with black paint upon a white ground, easily to be seen, on the square of the after part of the shaft, and so continue the same, under the penalty of *one dollar* for every day he shall drive his cart without having the same so numbered.

4. *And be it further ordained*, That any licenced Carman of this city, shall and may be permitted to use iron-shod wheels under the following regulations, to wit, That the iron or tire round the wheels shall be in breadth not less than three inches, and that the nails wherewith the same shall be nailed or fastened to the wheels, shall be so sunk into the iron or tire, as that the heads of such nails shall not project beyond the surface thereof: and if any licenced Carman shall use any iron-shod wheels to his cart in this city contrary, or not conformable to this regulation, he shall forfeit and pay as a fine the

sum of *one dollar and twenty-five cents* for each day he shall so drive the same cart. *And further*, That the rims of the wheels of all carts not shod with iron in the manner aforesaid, to be used by any licenced Carman, shall not be less than four inches and an half broad, and eight inches deep when new, on pain of forfeiting his licence and the sum of *five dollars*.

5. *And be it further ordained*, That no Carman shall drive the cart of any person or persons upon hire or on shares, under the penalty of *five dollars* for each offence ; nor shall any Carman let out his cart or sled to hire, or on shares, to any person or persons whomsoever, or permit or hire any person to drive his cart, but shall drive it himself, unless, by reason of sickness or other disability, he obtain a licence for so doing from the Mayor, or, in his absence, the Recorder, under the penalty of *five dollars* ; and, upon conviction thereof, to forfeit his licence : and the person to whom such cart or sled shall be let out, shall forfeit *three dollars* for every day or part of a day such cart or sled shall be so let out or employed.

6. *And be it further ordained*, That no Carman, Drayman, or Water-carrier shall sit in and drive his cart, sled, dray, or other carriage, in any of the streets, (except such only as, by reason of old age or infirmities, shall be licenced for that purpose under the hand of the Mayor) and that no such Carman, Drayman, or Water-carrier shall drive his horse off a walk, under the penalty of *seventy-five cents* for each offence.

7. *And be it further ordained*, That if any Carman shall neglect or refuse to cart or employ his

horse and cart or sled, for any person when required (unless he be then actually otherwise employed, or unless the distance he shall be required to go shall be more than four miles from the City-Hall) such Carman shall, for every such offence, forfeit and pay the sum of *three dollars*.

8. *And be it further ordained*, That every Carman shall, upon request, leave all other employments whatsoever, to attend the riding and carting of wheat, flour, or any other merchandize, or other thing subject to damage, under the penalty of *three dollars* for each default.

9. *And be it further ordained*, That each of the Carmen shall carry a good and sufficient load, that is to say, as much as can be conveniently stowed on his cart, and as is reasonable for one horse to draw, under the penalty of *one dollar*; and that no Carman shall load or carry in his cart, at one time, more than one puncheon or hogshead of rum, one hogshead of molasses, one hogshead of sugar, one pipe of wine, or hogshead, puncheon, or pipe of any other liquors, and that no greater quantity of liquors shall be loaded or carried in a cart, at one time, in small casks, than one hundred and forty gallons, under the penalty of *one dollar*.

10. *And be it further ordained*, That the prices or rates to be taken by Carmen, for the carriage of goods, wares and merchandizes, fire-wood and other things, shall be as follows, viz

For loading, carting, and unloading every common load of European goods, wheat, meal, or flour in bags (twelve bags to the load) and of fire-wood and other articles not hereinafter mentioned, to

any place within this city, not exceeding half a mile, *one shilling and nine pence*.

And for every load of lime, bricks, staves, heading, hoops, hoop-poles, cocoa, bar-iron, pimento, slate, all kinds of dye-wood, every seven barrels of flour, every four tierces of bread, every two bales of cotton, every fifteen bushels of salt, every load of cheese or gammons, every load of sails, every load of white sand, building sand, paving sand, or clay, containing twelve bushels; every load of beef, pork, pitch, tar, turpentine, beer, cyder, or other goods or things in tight barrels, allowing five barrels to each load (excepting oil and potash, which shall be four barrels to the load), not exceeding half a mile, *one shilling and nine pence*; and if housed, *six pence* more for each full load.

For every load of iron pots or kettles, every load of household goods, every load of hay in trusses or bundles, every load of calves, sheep or lambs, every load of loose shingles or brick handled and piled, not exceeding half a mile, *two shillings*.

For every load of loose earthen ware or pantiles, every load of coal, of one half of a chaldron, every load of loose dried fish, every load of hemp or flax in bales, loose or in bundles, and every load of oyster-shells, not exceeding the distance of half a mile, *two shillings*.

For loading, carting, unloading and housing the goods hereafter mentioned, viz.

For every hogshead or puncheon of rum or other strong liquors, exceeding ninety gallons, and for every hogshead of molasses, exceeding ninety gallons, *three shillings*.

For every pipe of wine or other strong liquors, *four shillings*.

For every hogshead of ale, and for every tierce of molasses, rum or other strong liquors, from sixty to ninety gallons, *two shillings*.

For every cask of molasses, rum or other strong liquors, exceeding forty gallons, and under sixty, *one shilling and six pence*

For every hogshead of sugar, of twelve hundred weight and upwards, *three shillings*.

For every hogshead of sugar, of nine hundred weight and under twelve hundred, *two shillings and six pence*.

For every cask of sugar, coffee or cocoa, of six hundred weight and under nine hundred, *two shillings*.

For every load of sugar, coffee or cocoa, in smaller cask, *two shillings*.

For every hogshead of tobacco of six hundred weight and upwards, and every two tierces of rice, or three tierces of flax-seed, *two shillings*.

For every cable, whole shot, of five inches circumference to seven inches, *five shillings*.

For every cable, half shot, of like dimensions, *three shillings*.

For every cable, whole shot, upwards of seven inches to ten inches, *eight shillings*.

For every cable, half shot, of like dimensions, *four shillings and six pence*.

For every cable, whole shot, of ten inches and upwards, *twelve shillings*.

For every cable, half shot, of like dimensions, *six shillings and six pence*.

For every load of cordage of lesser size, *two shillings*.

And that in all cases where the distance exceeds half a mile, and does not exceed two miles, the Carman shall be entitled to receive one third more for every load of the same articles for every additional half mile he shall cart or transport the same.

11. *And be it further ordained*, That if any Carman shall ask, demand, receive, take, exact or extort any greater rate or rates, price or prices, for carting any goods, wares, merchandizes, wood or other things than are above mentioned and limited, or shall be guilty of any embezzlement or deceit in the execution of his duty, and be found guilty thereof in any legal manner, he shall be suspended from being a Carman by the Mayor, upon a certificate thereof; and such Carman shall moreover forfeit and pay the sum of *five dollars*.

12. *And be it further ordained*, That all Carmen, Draymen and Water-carriers, who shall use any sled, shall be under the same regulations, and subject to all the fines, forfeitures and penalties to which the Carmen are subject and liable by this law.

 CHAPTER XII.

A LAW

To regulate the landing and sale of Hay in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That no person or persons whosoever, shall sell any hay in this city, by the cart or waggon-load or in any other manner than by weight, accounting and allowing one hundred and twelve pounds to the hundred weight, upon pain of forfeiting the sum of *ten dollars*; and that no Carman shall cart or deliver to any person or persons whomsoever, any hay, unless the same shall have been weighed in the manner herein after directed, on pain of forfeiting the sum of *five dollars* for every load or part of a load he shall so cart or deliver.

2. *And be it further ordained*, That there shall be such and so many proper and convenient machines or engines erected, and scales and weights provided for weighing carts, waggons, sleds and hay, at such place or places within this city, and at the proper costs and charges of such person or persons as the Common Council of the said city shall from time to time direct and appoint.

3. *And be it further ordained*, That every person to be appointed a Weigh-master for the weighing of hay within this city as aforesaid, shall, before

he enters on the duties of that office, take an oath, well and faithfully to execute the said office according to the best of his skill and understanding.

4. *And be it further ordained,* That it shall and may be lawful to and for the persons appointed, or to be appointed as Weigh-masters of hay as aforesaid, to ask, demand and take from every Carman or Waggoner, for every cart or waggon load of hay so to be weighed at any of the said machines, the sum of *two shillings*, and no more, which said sum of *two shillings* shall be repaid to such Carman or Waggoner; the one half thereof by the seller and the other half by the buyer of such hay.

5. *And be it further ordained,* That from and after the publication hereof, no Carman shall cart or carry any hay, brought to this city for sale, unless he is or shall be licenced for that purpose by the Mayor, and shall first have taken oath, well and carefully to inspect all the hay he shall so cart or carry, that he may see if it is well and sufficiently cured and dry, under the penalty of *five dollars* for every load or part of a load he shall cart or carry without being appointed and qualified as aforesaid; and that no Carman or Waggoner qualified as aforesaid, shall cart or carry hay brought to this city for sale, and pass the same as good and merchantable, but such as shall be *bona fide* well cured and dry, under the penalty of *five dollars* for every load or part of a load he shall so cart or carry.

6. *And be it further ordained,* That each Inspector of Hay or Hay Carman heretofore licenced or hereafter to be licenced, shall immediately cause the number of his licence to be fairly painted upon a tin plate with red paint upon a white ground easily

to be seen, and shall affix and continue such tin plate, fairly painted and easily to be seen, on the square of the after part of the shaft of his cart, under the penalty of *one dollar and fifty cents* for every neglect or default.

Provided always, That nothing in this law contained, shall be deemed or taken to prohibit the importation within this city, or the cartage of any hay which may be damaged or injured, or to prevent the sale thereof as damaged hay by weight as aforesaid. *Provided also*, That any remnant of hay under three hundred weight, may be sold and carted away by any Carman or other person, for his or her own use, without incurring the penalties in and by this law imposed as aforesaid.

7. *And be it further ordained*, That the Carmen shall and may demand and receive for the loading, weighing and cartage of each load of hay, of one thousand weight and upwards, if unloaded or thrown down in the street, the sum of *five shillings*; and if by them pitched or put into a stable, the sum of *six shillings and six pence*, and no more; and for the loading, weighing and cartage of each load of hay, under one thousand weight, if unloaded or thrown down in the street, the sum of *four shillings*; and if by them pitched or put into a stable, the sum of *five shillings*, and no more.

8 *And be it further ordained*, That each Carman shall, before he shall cart or carry any hay, and at least once in every month, after he shall be licensed as aforesaid, apply to one of the Weigh-masters to be appointed as aforesaid, to weigh his cart or sled, upon pain of forfeiting *three dollars* for each offence; and such Weigh-master is hereby required

to weigh such cart or sled, and enter the same in a book to be kept for that purpose, and also to furnish such Carman with a certificate of the weight of his cart or sled gratis, upon pain of forfeiting *three dollars* for every refusal or neglect.

9. *And be it further ordained,* That if any dispute shall arise between the owner or possessor, or the Inspector and the purchaser of any hay, whether the same is or is not well and sufficiently cured and dry, the Mayor, Recorder, or any one of the Aldermen of the said city, shall, upon application to him made, issue his warrant to three indifferent judicious persons of skill and integrity, one whereof to be named by the owner or possessor, or the Inspector of such hay, the second to be named by the purchaser, and the third to be named by the said Mayor, Recorder or Alderman, which three persons shall be duly sworn, carefully to view and examine the said hay, and make report thereof to him forthwith; and the said Mayor, Recorder or Alderman is hereby empowered and required to give judgment agreeably to the report of the said persons so to be named, or of any two of them; and in case the said hay is judged to be unmerchantable, the said Mayor, Recorder or Alderman shall award the owner or seller or Inspector of the same hay to pay the costs of the said trial or examination; but if such hay, upon such examination, shall be found to be well cured, dry and merchantable, according to the directions of this law, the charges of such examination shall, in such case, be paid by the purchaser or such other person at whose request the view and examination was made, upon pain of forfeiting the sum of *ten dollars*.

10. *And be it further ordained,* That no hay which, at the time of the lading or shipping thereof for this city, was well cured and dry, and which, by rain or other unavoidable accident, became wet or damaged on board of the boat or other vessel in which the same was laden or shipped, shall be considered as unmerchantable hay, within the meaning of this law; but the same may be sold, after it is again well dried, in the same manner as other well cured and dry hay is directed to be sold.

11. *And whereas,* For want of proper places to unload boats, and other vessels, freighted or loaded with hay, they are often detained, and the hay becomes wet and injured in such vessels while in this city, by means of rain: Therefore,

Be it further ordained, That such piers, docks and slips, as the Common Council of the said city shall, from time to time, think proper to direct and appoint, shall be reserved and appropriated for Public Hay Wharves; and that every master or owner of any ship or other vessel whatsoever (not laden with hay) lying at any of the piers, docks or slips so reserved, or to be reserved and appropriated as hay wharves as aforesaid, shall, upon application of the master or owner of any boat or other vessel whatsoever, then laden with hay, remove his said ship or other vessel from such pier, dock, or slip, and give room to such boat or other vessel loaded with hay as aforesaid, on pain of forfeiting the sum of *one dollar* for every hour between sun-rise and sun-set, he shall so neglect or refuse to remove his said ship or other vessel in manner aforesaid.

 CHAPTER XIII.

A LAW

To regulate the Sale of Fire-wood in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That no Fire-wood which shall be brought into this city for sale, shall be considered as cord-wood, unless it shall be in length four feet, including half the scarf; and that if any person shall offer for sale any fire-wood as cord-wood which shall not be of that length, such person shall forfeit the sum of *one dollar* for every cart load. *Provided always, and be it further ordained,* That all fire-wood brought to this city for sale, may be sold and carted, although the same be not the length required by this law; and the Inspectors of fire-wood are hereby directed and required to cause all such wood as shall not be of due length, to be stowed on the cart, as, in their judgment, to contain a full quarter of a cord.

2. *And be it further ordained,* That no cord-wood shall be landed on any of the docks or wharves until the same is sold, in order to be immediately carried away, under the penalty of *one dollar* for each load so landed.

3. *And be it further ordained,* That no cord-wood shall be sold otherwise than according to the following regulations, that is to say :

The rungs or stantions of each cart or sled which shall be employed in the carrying of cord-wood, shall be three feet eight inches high from the floor of the cart, and no higher ; and the breadth of the said carts between the two foremost rungs or stantions, shall be two feet five inches, and between the two hindmost rungs or stantions, shall be two feet nine inches, and no more ; in which space between the said rungs or stantions (and even with the top thereof) every Carman who shall cart any wood, shall stow as much and as close together as it can conveniently be put ; which wood so loaded shall be deemed, and is hereby declared to be a quarter of a cord, and shall and may be bought and sold accordingly.

4. *And be it further ordained,* That if any person or persons shall sell or buy any cord-wood contrary to the above regulation (refuse wood herein before mentioned only excepted) or if any Carman shall cart any cord wood brought to this city for sale but in carts or sleds, made and constructed as by this law is directed, and loaded as is above mentioned, he or they so offending therein, shall, for every offence, forfeit and pay the sum of *five dollars*.

5. And to prevent, as much as possible, any alteration in the measure of the wood, from the wearing of the rungs or stantions of the carts,

Be it further ordained, That the rungs or stantions of each cart that shall carry wood, shall be shouldered with a band of iron round the part which enters the mortice, and the mortice cased with iron to preserve them and keep the rungs and stantions from giving way ; and that at no less than

three feet distance from the floor of the carts there shall be an iron chain fixed across the carts to the rungs or stantions, to prevent their spreading wider than the space herein before mentioned.

And that every Carman who shall cart any cord-wood for sale in any cart not provided and secured in the manner hereby directed, shall forfeit and pay the sum of *one dollar and twenty-five cents* for every load he shall so cart.

6. *And be it further ordained*, That no crooked wood shall be stowed in any cart or sled constructed in manner aforesaid with other wood, but the same may be sold and disposed of as refuse wood, not subject to the above regulation; and if any Carman who shall cart cord-wood, shall put or suffer to be put into his cart any such crooked wood as will prevent his cart from containing a quarter of a cord between the rungs or stantions thereof, he shall, for every load so carted, forfeit the sum of *one dollar*.

7. And for the better carrying into execution the above regulations,

Be it further ordained, That, in addition to those already appointed and sworn, there shall be such and so many persons appointed, as the Common Council shall, from time to time, think proper to appoint, to inspect the loading of all fire-wood which shall be brought to this city for sale; to see that the same be of the proper length and loaded as aforesaid; that the said Inspectors shall be duly sworn to execute their offices with fidelity and impartiality; that their respective judgments shall be conclusive; which said Inspectors shall have for their trouble for each load by them inspected, *three*

cents, and in the same proportion for a greater quantity, two third parts thereof to be paid by the buyer, and the other third by the seller of such wood.

8. And for the better collecting of the said fees, *Be it further ordained*, That the boatman, or other seller of the wood, shall be accountable to the Inspectors for their whole fees of inspection, and shall recover two-thirds thereof from the purchaser or purchasers thereof; and that if any Carman shall cart any such cord-wood before the same shall be duly inspected as aforesaid, he shall, for every load, forfeit the sum of *fifty cents*.

9. *And be it further ordained*, That if any Inspector shall, by sickness or otherwise, be prevented from attending the duties of his office, that in such case the Mayor of the said city, for the time being, or in his absence, the Recorder shall appoint one other fit person in his stead during the sickness or absence of such Inspector.

10. *And be it further ordained*, That no Carman or Wood-sawyer, or other person, for and on account of such Carman or Wood-sawyer, shall purchase any fire-wood which shall be brought to this city for sale, except it be for the only use of such Carman, Wood-sawyer or his family, under the penalty of *twenty-five dollars* for each offence, except such Carman or Wood-sawyer shall have received an order in writing to purchase such wood: *And further*, That no Carman or Wood-sawyer shall sell or expose to sale, any fire-wood which shall be brought or sent to this city for sale, as agent for or on account of any person or persons, under the penalty of *fifteen dollars* for each offence.

11. *And be it further ordained*, That the Attorney of this Board shall be authorized, after the recovery and receipt of any penalty under and by virtue of this ordinance, to pay over to the person who shall give the said Attorney such information of any offence against this ordinance, as shall enable the said Attorney to prosecute the offender to judgment, such part thereof (not exceeding one half part thereof so recovered and received) as in his judgment he shall deem meet and proper.

12. *And be it further ordained*, That all fire-wood which shall at any time be brought into this city and stored or deposited in any yard or other place, and which shall thereafter be sold and carted from such yard or other place, shall be inspected in like manner and under the same regulations as fire-wood sold and delivered from on board of any vessel, and landed at any wharf or slip in this city; and the seller and buyer of such wood sold and carted from any yard or other place as aforesaid, shall be liable for payment of the fee for inspection in like manner as for the inspection of fire-wood sold and delivered from on board a vessel.

CHAPTER XIV.

A LAW

To regulate the Sale of Lime in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That all slack-

ed lime brought to the said city and exposed to sale, shall be sold by the load, and that each load shall contain sixteen bushels, struck measure.

2. *And be it further ordained*, That each Carman who shall cart any such lime, shall have on his cart a tight box with a cloth or other sufficient cover for the purpose, sufficient to contain the quantity aforesaid, and shall put the lime therein: And if any Carman, or other person, shall cart any such lime in any other manner, he shall forfeit *one dollar and twenty-five cents* for each load.

CHAPTER XV.

A LAW

To regulate the Sale of Charcoal in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That all Charcoal which shall be brought to this city for sale, shall be sold by the bushel: That such person and persons as the Common Council shall, from time to time, appoint for that purpose, shall be Measurers of all such charcoal; and for that purpose, that they respectively be provided with a proper measure to contain two bushels; and that they respectively be allowed, for their service in measuring, *one halfpenny* per bushel; the one half to be paid by the buyer, and the other half by the seller.

2. *And be it further ordained*, That if any Car-

man shall cart or transport any such charcoal, without being measured in manner aforesaid, such Cartman shall forfeit and pay, for every load or part of a load so carted or transported by him, the sum of *one dollar*.

3. *And be it further ordained*, That no person shall hereafter be permitted to unlade, vend, or expose for sale any charcoal, at any or either of the slips in front of, or opposite to, any of the public markets of this city, under the penalty of *ten dollars* for each offence.

CHAPTER XVI.

A LAW

To regulate the Sale and Cartage of Manure, Sand and Clay in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That all Manure shall be sold by the cart or waggon load, and that each load shall contain sixteen bushels, heaped measure.

4. *And be it further ordained*, That all manure, sand or clay shall be carted in close boxes with a tail-board at least sixteen inches high, and well secured; and no person shall cart or sell any manure, sand or clay in any other manner than is by this law prescribed, under the penalty of *two dollars* for each load or part of a load which he shall so cart.

 CHAPTER XVII.

 A LAW

To regulate the Fees of Weigh-masters and Measurers in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That the Weigh-masters appointed by this Corporation shall be entitled to demand and receive the following fees, the one half to be paid by the buyer and the other half by the seller—but the employer shall be liable for the payment thereof in the first instance—that is to say; For weighing hemp, flax and hides, *three cents* for each hundred weight; Braziletta-wood, *four cents* for each hundred weight; anchors and cables, above eight hundred weight, *five cents* for each hundred weight; and for anchors and cables of less weight, and all other goods and articles, *two cents* for each hundred weight, and in that proportion for a greater or less quantity.

2. *And be it further ordained,* That the Weigh-master shall, if the fees on the articles intended to be weighed, exceed *one dollar*, remove his scales and weights at his own expense, to the place where the article intended to be weighed shall be, otherwise he shall, if required, remove them at the expense of the owner of the article required to be weighed, and that for the compensation above allowed, he shall, if required, weigh each box, bale,

cask, bag, and other package separate, and make a return thereof, and where it can be done, mark on each the weight with blacking or red chalk in legible and durable figures: and if any Weigh-master, appointed by this Corporation, shall neglect to attend in person to the duties of that office at any place where his scales shall be used, or shall demand, accept or receive any greater compensation for his services than above allowed, or shall exercise the office of Weigh-master under any other appointment, he shall forfeit his appointment under this Corporation.

3. *And be it further ordained*, That if any person not holding an appointment under this Corporation shall exercise the office of Weigh-master, to weigh any article for any private persons, such persons shall forfeit and pay as a fine, *twenty-five dollars* for each day or part of a day he shall be so employed in weighing.

4. *And be it further ordained*, That the Measurers appointed by this Corporation shall be entitled to demand and receive the following fees to be paid as aforesaid, that is to say, for measuring boards, plank and timber, *twenty-five cents* for each hundred feet of solid measure, and *fifty cents* for each thousand feet of superficial measure; for measuring salt and grain, *seventy-five cents* for each hundred bushels; for measuring lime, *twelve and an half cents* for each load of sixteen bushels; for measuring of charcoal, *one cent* for each bushel; and for measuring sea-coal *twenty-five cents* per chaldron, and at and after the same rate for a greater or less quantity: and if any person, not holding an appointment under this Corporation, shall exercise the office of

Measurer to measure any article for any private person, such person shall forfeit and pay as a fine, *ten dollars* for each offence.

CHAPTER XVIII.

A LAW

To regulate the lying of Vessels at the Public Wharves and in the Slips of the City of New-York, and to establish the Rates of Wharfrage.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That the master, owner or possessor of each vessel or small craft whatsoever, above the burden of five tons, belonging to the said city or other parts of the State of New-York, or of the State of New-Jersey, or State of Connecticut, and which is not employed in any trade out of the United States, shall, once in every year, commencing on the first day of May, and ending on the last day of the succeeding April, on his first coming to lie with such vessel or small craft at any of the docks, wharves, piers or slips belonging to the Corporation of the said city, as a compensation for lying at or within the same, immediately pay to the Dock-master or to the person or persons appointed or to be appointed by the said Corporation to act as such, at and after the rate and in the manner following, to wit: if such first coming shall happen between the first day of May and the last day of July inclusive, *forty cents*

per ton; and if between the first day of August, and the last day of October inclusive, *thirty cents* per ton; and if between the first day of November and the last day of January inclusive, *twenty cents* per ton; and if between the first day of February and the last day of April inclusive, *ten cents* per ton, of their respective burthens: and all vessels not more than five tons burthen, shall pay, as aforesaid, *two dollars* on their first coming to lie at any of the said wharves, docks, piers or slips, after the first day of May in every year.

2. *And be it further ordained*, That the master, owner or possessor of each vessel (trading or coasting vessels belonging to the said States of New-York, New-Jersey and Connecticut, respectively, excepted) shall pay to the Dock-master, or to the person or persons appointed or to be appointed as aforesaid, for lying at any or either of the said docks, wharves, piers or slips belonging to the Corporation of the said city as aforesaid, the like rates or fees of wharfage as are or may be, by Act of the Legislature of the State of New-York, established and allowed to be taken and received by the proprietors of private wharves in the said city of New-York: and that if any or either of the vessels comprised in the first section of this law, and therein described as coasters belonging to the States of New-York, New-Jersey, or Connecticut respectively, shall become a sea vessel by going from either of the said states to any port or place beyond sea, such vessel shall thereupon be considered as included in this second section of this law, and be subject to pay the rates of wharfage, herein and hereby required to be demanded and taken accordingly.

3. *And be it further ordained,* That no sloop, schooner, boat or other vessel, or small craft whatsoever, shall lie in any of the aforesaid slips a longer time than for the convenient lading and unlading; nor shall lie in the entrance of any of the aforesaid slips, at any time, so as to shut up the same, or incommode any other sloop, schooner, boat or other vessel, or small craft from coming into or going out of the same, under the penalty of *three dollars* for every tide.

4. *And be it further ordained,* That no person or persons shall careen any sloop, schooner, boat or any other vessel whatsoever, at or within any of the docks, wharves, piers, keys or slips belonging to the Corporation, under the penalty of *three dollars* for every offence, to be paid by the master, owner or possessor of such vessel.

5. *And be it further ordained,* That if any person or persons do cast any anchor, grappling or killick into or near any of the docks, wharves, piers, keys or slips of this city, the person or persons so offending, shall for every offence, forfeit and pay the sum of *two dollars*: and if any person or persons shall take away any stones, earth, timber or ballast from, or throw the same, or any oyster shells, ashes or other dirt whatsoever into, or keep any masts, yards, spars or other kind of timber within any of the docks, wharves, piers, keys or slips aforesaid, every such person shall, for each offence, forfeit and pay the sum of *three dollars*.

6. *And be it further ordained,* That if any shells, ashes, stones or dirt whatsoever, shall be thrown from any vessel into any of the slips or docks aforesaid, the person throwing the same, or the master,

owner or possessor of such vessel, shall forfeit and pay, for each offence, the sum of *five dollars*.

7. *And be it further ordained*, That no sloop, boat or other vessel whatsoever, (except small craft, such as ferry-boats, market-boats, pettiaugers and canoes) shall come within the slip at the end of the common sewer, which leads under the Fly-market, and empties itself into the East-river, under the penalty of *five dollars* for every offence.

8. *And be it further ordained*, That no boat or vessel of any description whatsoever, (except ferry-boats) shall be allowed to come into and lay in Courtlandt-slip, or those parts of the Corporation-bason where Hoboken-ferry is kept, or Catharine-slip, next to and adjoining that part of the respective wharves at the Corporation-bason or Catharine-slip, where the ferry-boats lie at or land their passengers; nor shall lie so near the said wharves respectively as to incommode the going into or coming out of the same, or the turning of the ferry-boats respectively, under the penalty of *ten dollars* for each offence, to be paid by the master, owner or possessor of such boat or other vessel.

9. *And be it further ordained*, That after the first day of October next, all market-boats, pettiaugers and canoes, of not more than the burthen of five tons, and coming to any of the docks, wharves, piers or slips belonging to the Corporation, shall have the owner or owner's name painted at full length in legible letters, on the inside of the stern, under the penalty of *two dollars* for each offence, to be paid by the owner or possessor of the same.

10. *And be it further ordained*, That no sea vessel of any size whatever, nor any coaster, above

the burthen of one hundred tons, shall come into, or lie at or within any of the docks, wharves, piers or slips belonging to the said Corporation, unless by special permission obtained therefor in writing, from the Mayor, Recorder, or one of the Aldermen of said city, under the penalty of *ten dollars* for every twenty-four hours they shall lie at or within the same, to be paid by the owner, master or other person having the charge of such vessel.

11. *And be it further ordained,* That in order to prevent disputes between persons using the said docks, wharves, piers, keys and slips, it shall and may be lawful for the Dock-master, or person or persons appointed or to be appointed by the Corporation to act as such, or for the Mayor, Recorder, or any one of the Aldermen of the said city, in person to give such orders and directions, from time to time, touching the lying, fastening and births of all sloops, boats, or other vessels whatsoever, as they shall think just and proper; and that every person refusing to comply with such orders and directions, shall, for every offence, forfeit and pay the sum of *five dollars*.

12. *And be it further ordained,* That it shall be the duty of the Dock-master, or person or persons appointed or to be appointed as such as aforesaid, to see this law and the several matters therein mentioned, observed and duly put in execution.

 CHAPTER XIX.

A LAW

To regulate the Sale of Horses, to prevent their running loose in the Streets, and to prevent Racing in the Streets or Highways in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That no horse shall be shown or exposed for sale in any of the streets of the said city; except at such places as the Common Council thereof may from time to time appoint, under the penalty of *five dollars* for each offence.

2. *And be it further ordained,* That no horse or cow shall be suffered to go loose, or be at large in any of the said streets; and if any horse or cow shall be found therein, without being held by a proper person, with a bridle, halter, rope or other thing, sufficient to secure such horse or cow, the owner, or person having the care, charge or keeping thereof, shall forfeit and pay *one dollar and fifty cents*.

3. *And be it further ordained,* That no person shall run or race any horse, or start the same for the purpose of racing in any public street or road, within the city of New-York.

And if any person or persons, do or shall start, run or race any horse contrary to this law, every such person, and also the owner and possessor of such horse, if he or she shall suffer or consent to

such starting, running or racing, shall forfeit and pay as a fine, for each offence, *ten dollars*; the one half of which said fine, when recovered and paid to the Treasurer or Chamberlain of this City, shall be by him paid to the person or persons who shall have commenced and prosecuted the suit against the offender: and that if any offender against this law shall be an apprentice, a servant or a slave, the master, mistress or owner of such apprentice, servant or slave, shall be and hereby is made answerable for the payment of such fine as aforesaid.

CHAPTER XX.

A LAW

To regulate the passing of Carriages and Sleds, meeting each other in the Public Streets and Roads in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That in all cases of persons meeting each other in carriages or sleds in any public street or road within the City of New-York, each such person so meeting, shall turn off and go to the left side of the street or road so as to enable such carriages and sleds so meeting, to pass each other, under the penalty of *five dollars* for each offence.

2. *And be it further ordained,* That the proprietor or proprietors of such carriages and sleds, neglecting or refusing to turn out and go to the

left as above directed, shall, if present at the time of such meeting, be adjudged as the person committing the said offence; but if absent, then the driver of such carriage shall be so considered.

CHAPTER XXI.

A LAW

To prevent the Ringing or Tolling of Bells for Funerals, in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That no bell or bells of any church in this city, shall be rung or tolled for any funeral: and that if the bell or bells of any church in this city shall be rung or tolled contrary to this law, the sexton or person having the care or charge of such bell or bells, shall forfeit and pay the sum of *twenty-five dollars* for each offence.

CHAPTER XXII.

A LAW

For the better regulating of Public Porters in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That the Mayor

of the said city for the time being, shall, from time to time, at his discretion, appoint such and so many able bodied men, being persons of good character, to act as Porters in carrying goods from place to place within this city.

2. *And be it further ordained,* That the Mayor at the time of granting such licence, shall assign to such Public Porters respectively, suitable stands or stations; that it shall be their duty to attend at such stations at all reasonable times, for the purpose of receiving such employment as may be given to them; and that it shall not be lawful for any or either of them to attend at any other place except the stands or stations assigned to them respectively, on pain of forfeiting his or their respective licences.

3. *And be it further ordained, by the authority aforesaid,* That it shall be the duty of each of the said public Porters, and they are hereby respectively required to furnish themselves with good and convenient wheelbarrows, and one handbarrow for every two of the said Porters, for the better carriage of goods and articles.

4. *And be it further ordained,* That each of the said public Porters shall be known and distinguished by numbers from one progressively; and that each of them respectively shall wear a badge, on which shall be engraved and specified in legible characters, the name of such Porter and the number of his licence, and the stand assigned him: *And further,* That it shall be the duty of the said public Porters respectively, to cause his own name, the number of his licence, and the name of his station, to be painted in legible letters and figures on

his wheel and handbarrows, on pain of forfeiting his licence; to the end, that if any such public Porter shall be guilty of embezzlement or any other improper conduct, he or they may be the more readily detected.

5. *And be it further ordained,* That the said public Porters shall be entitled to receive for each load which they shall carry in a wheelbarrow within the distance of half a mile, the sum of *one shilling*; and for every additional half-mile *one shilling*; and for all articles carried in a handbarrow *one shilling and six-pence* for the first half-mile, and *one shilling and six-pence* for every additional half-mile; and if either of them shall be guilty of demanding a larger sum than what is hereby allowed, such public Porter so offending shall forfeit his licence.

6. *And be it further ordained,* That if any such public Porter shall direct, permit or suffer any other person to carry any goods, wares, articles or merchandizes for him, or in his name or behalf, the said public Porter so directing or permitting, and the said person so carrying, in contravention of this ordinance, shall respectively forfeit and pay the sum of *one dollar* for each offence, and the said public Porter shall also forfeit and lose his licence.

7. *And be it further ordained,* That if any person or persons (other than a licenced Porter or Carman) shall transport or carry any goods, wares or merchandize, or other thing whatsoever for hire, wages or any compensation to or from any stand or station at which a public Porter or Porters are appointed as aforesaid, and at a time they or either of them may be at or near his or their stand or

station for the purpose of performing their duty as aforesaid, he or they shall forfeit and pay as a fine, the sum of *three dollars* for each offence; and every person who shall so transport and carry as aforesaid, shall on trial be presumed to have received hire, wages or compensation for so transporting and carrying, unless he or they shall prove to the contrary thereof.

8. *And be it further ordained*, That if any person who shall contravene this ordinance, shall be a minor, an apprentice, a bound or hired servant or slave, his parent or guardian, master, mistress or owner, as the case may be, shall be deemed liable to pay the penalty so incurred, and shall and may be prosecuted for the same as aforesaid.

CHAPTER XXIII.

A LAW

To prevent the Firing of Guns in the City of New-York.

SECT. 1. **W**HEREAS the firing of guns and the practice of fowling in the public streets and in the roads or highways in the vicinity of this city, are frequently productive of accidents, and dangerous consequences are always to be apprehended therefrom :

Be it therefore ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That no person shall hereafter be permitted to fire or discharge any gun, pistol, fowling piece, or fire-arm, at any place on the

island of New-York, within the distance of four miles from the City-Hall, under the penalty of *five dollars* upon each offender, to be recovered with costs. And if the person so offending shall be a minor, apprentice, servant or slave, the said fine shall be recoverable from his father, mother, master or mistress, together with costs.

Provided always, That nothing contained in this ordinance shall be constructed to extend to the reviews or exercises of any military company, or of the State Prison Guards.

CHAPTER XXIV.

A LAW

To prevent improper Conduct on certain Days, in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That if any person shall, on the seventeenth day of March, commonly called *St. Patrick's Day*, or on any other day, carry or drag through or along any street, alley or highway within this city, or shall exhibit to public view in any street, alley or highway, or from any window, roof of any house or other building, or shall exhibit to public view in any place, or in any manner whatsoever within this city, an Effigy of St. Patrick, or any other Titular Saint, or of any person or persons whomsoever, or any show of a similar kind, whether the same is intended as an Effigy of St. Patrick, or any other Titular Saint, or

of any person or persons, or whether the same is designed to ridicule such Titular Saint, or any person or persons whomsoever, he or she shall forfeit and pay for each offence, the penalty of *ten dollars*, to be recovered with costs of suit.

2. *And be it further ordained*, That every person who shall be aiding, assisting, or countenancing any such transaction as aforesaid, shall be deemed to have acted contrary to this ordinance, and shall, for each offence, forfeit and pay the like penalty, to be recovered as aforesaid.

3. *And be it further ordained*, That if any person who shall contravene this ordinance, shall be a minor, an apprentice, a bound servant, or a slave, his or her parent or guardian, master or owner, as the case may be, shall be deemed liable to pay the penalty so incurred, and shall and may be prosecuted for the same as aforesaid.

CHAPTER XXV.

A LAW

To prevent Dogs from running at large in the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That if any dog or dogs shall at any time hereafter be found at large in any street, lane, road or highway within this city, the owner or possessor of every such dog, shall forfeit and pay the sum of *twenty-five dollars*, for every day or part of a day such dog shall be so

found at large, to be recovered in any court having cognizance thereof, with costs of suit.

2. *And be it further ordained*, That the Attorney of this Board shall be authorized, after the recovery and receipt of any penalty under and by virtue of this ordinance, to pay over to the person who shall give the said Attorney such information of any offence against this ordinance as shall enable the said Attorney to prosecute the offender to judgment, such part thereof not exceeding the one half of the said penalty so recovered and received, as in his judgment he shall deem meet and proper.

CHAPTER XXVI.

A LAW

For the further Establishment of Signal Poles on Staten-Island.

SECT. 1. **W**HEREAS several of the Merchants of this city have established Signal Poles for the purpose of discovering the approach of vessels into this harbour, and it appearing to this Board that the same will become not only a benefit to the commercial interest of the community, but a means of public safety; *And whereas* this Board has thought it proper to take the same under its own direction, and the Governor of this state having signified his consent that the public ground on Staten-Island, belonging to the state, may be used for that purpose :

Therefore, be it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Com-

mon Council convened, That the establishment of such flag or signal staffs as aforesaid, shall be placed under the management and direction of the Comptroller of this city, who is hereby authorized, from time to time, to make such orders for the regulation and disposition of the same, and also with respect to the signs and signals to be used, as he may deem most proper.

2. *And be it further ordained,* That a suitable person shall be appointed by the said Comptroller to have charge of the same, and to make such signals with respect to the arrival of vessels of every description as the said Comptroller shall direct; and that for such services he shall receive a salary of *three hundred and thirty dollars* per annum payable quarterly, and to commence from the first day of May next.

3. *And be it further ordained,* That no pole, staff or signal shall hereafter be made or erected unless by the consent of the said Comptroller; and that every person who has or shall erect a flag or signal-staff at the place aforesaid, shall pay for the same in advance to the person to be appointed by this Board to take charge of the same, the sum of *twelve dollars and fifty cents* per annum; and when two persons shall hoist their flags or signals on the same staff, each of them shall pay in advance as aforesaid the sum of *seven dollars and fifty cents* per annum; and whenever three or more persons shall hoist flags or signals on the same staff, each of them shall pay in advance as aforesaid, such sum as the Comptroller of this city for the time being shall direct.

 CHAPTER XXVII.

A LAW

To Appoint a Comptroller of the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, and it is hereby ordained by the authority aforesaid, That a discreet freeholder of this city shall be appointed by this Board, to be called and known by the name of the Comptroller of the City of New-York.

2. *And be it further ordained,* That it shall be the duty of the said Comptroller to examine and to liquidate all claims, and to audit all accounts against this Corporation in all cases whatever, and to report the same to the Board at each subsequent meeting, for its order in the premises, and also to countersign all warrants to be drawn on the Chamberlain or Treasurer of the City, for the payment of all monies directed by the Board; and in case where the Comptroller cannot adjust the same without the interference of the Board, he shall examine such claim and report the facts concerning it with his opinion thereon, and to examine, adjust and settle the accounts of all persons indebted to this Corporation, and to call on public officers and others entrusted with money, or who shall have received any monies for this Corporation, and shall not have accounted for the same as they ought to have done, and to take charge of all the real estate

of this Corporation, and to report any encroachments made thereon, and to inquire into any arrearages due for back rents or otherwise, and to take charge of all the title deeds, bonds or evidences of debts due or belonging to this Corporation.

3. *And be it further ordained,* That the said Comptroller shall keep a regular set of books by way of double entry, in which shall be kept an account of all monies received and paid out for the Corporation, and shall cause to be opened in such books as many accounts under appropriate titles, as may be necessary to show distinctly and separately the expenditures and receipts upon each important object, and shall exhibit a balance sheet of such books to the Common Council, at least once in every six months, and shall keep one other book in which shall be entered particularly, the whole objects of revenue of every description belonging to the Corporation.

4. *And be it further ordained,* That the Comptroller shall cause a certificate to be transmitted to every person who may now be or hereafter may become indebted to this Corporation, showing the amount of such debt and directing the payment of such balance to the Chamberlain, and upon default in the payment thereof by such debtor, to report the same to the Board, that a suit may be commenced thereon.

5. *And be it further ordained,* That the Chamberlain shall once in every week, lodge all monies to be received by him in the intermediate time, in the Bank of New-York, and shall thereupon make a return thereof to the Comptroller, stating the

amount for what and from whom he may so have received such sums.

6. *And be it further ordained,* That the Comptroller and Chamberlain shall respectively keep an office, and shall respectively open and attend the same daily, (Sunday excepted) that is to say, the Comptroller's Office shall be open for the transaction of business five hours in each day, and the Chamberlain's Office shall be open three hours in each day, for the same purpose, of which they shall respectively give notice to the public, that those having business with them may with certainty know where and when to meet to transact the same.

7. *And be it further ordained,* That the Comptroller shall be allowed as a compensation for his services a salary of *fifteen hundred dollars*, payable quarterly.

8. *And be it further ordained,* That it shall be the duty of the Comptroller to attach to every grant hereafter to be made or heretofore ordered by this Board, and not yet delivered to the grantee, a survey of the ground so to be conveyed, to which survey a reference shall be made in such grant.

9. *And be it further ordained,* That the Clerk shall, on the day succeeding each meeting of the Board, deliver to the Comptroller a certified copy from the minutes of the Board, the sums ordered to be paid.

10. *And be it further ordained,* That the Chamberlain shall be allowed a salary of *five hundred dollars* per annum, to be paid quarterly, in lieu of his commissions upon money raised by tax for the use of the city and county of New-York, and as a

compensation for his services over and above any compensations on monies which he may receive in cases where administration is granted to him as Chamberlain under the act passed the 27th March, 1801.

CHAPTER XXVIII.

A LAW

For the better Regulation of the City Watch, and for the Division of the City into Districts for that Purpose.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That the Common Council shall appoint six persons being citizens of the State of New-York, and Inhabitants and Householders of the City of New-York, to be Watchmen of the City of New-York, who shall be denominated "Captains of the Night-watch," and to have the command of the other Watchmen of the said city to be appointed by the Common Council from time to time as hereafter mentioned.

2. *And be it further ordained by the authority aforesaid,* That the Common Council shall appoint such other persons, being Citizens of the State of New-York and Inhabitants and Householders of the City of New-York, to be Watchmen of the City of New-York, not to exceed one hundred and sixty-six in number, who shall be under the command and direction of the Captains of the Night-watch, according to the rules and regulations of this ordinance, or such other rules

and regulations as the Common Council shall from time to time adopt in relation thereto.

3. *And be it further ordained by the authority aforesaid,* That the city of New-York shall be divided by the Common Council into three districts, for the better disposition, employment and regulation of the Watchmen, and there shall be assigned to each of the said districts, two of the said Captains and such number of other Watchmen as the Common Council shall from time to time think proper.

4. *And be it further ordained by the authority aforesaid,* That it shall be the duty of the said Captains, to fix the stations or rounds of the Watchmen within the district which shall be assigned to them respectively, to prescribe the duties of the Watchmen under their commands respectively, and to see that those duties be faithfully executed, and when on duty, to visit each of the fixed stations of the Watchmen under his command, at least once every night, in order to discover whether the Watchmen within his district do not unnecessarily quit their stations nor sleep while at their posts.

5. *And be it further ordained by the authority aforesaid,* That if either of the said Captains shall neglect to perform any of the duties required of them by this ordinance or which shall be hereafter required of them by the Common Council, he shall be immediately removed from office and another fit person appointed in his stead.

6. *And be it further ordained by the authority aforesaid,* That if either of the Watchmen under the command of the said Captains, shall refuse or neglect to perform any of the duties assigned him

by the Captain under whose command such Watchman shall then be, or shall be found sleeping on his post or unnecessarily absent therefrom, or shall be intoxicated while on duty, or shall be guilty of any disorderly behaviour, he shall be immediately removed from office and another fit person appointed in his stead.

7. *And be it further ordained by the authority aforesaid,* That each of the said Captains shall have power and they are hereby required, whenever in their opinion any of the Watchmen under their respective commands shall be guilty of any misconduct or default, to suspend them from further duty as Watchmen, until the pleasure of the Common Council shall be known in the premises.

8. *And be it further ordained by the authority aforesaid,* That one of the said Captains assigned to each district shall give his personal attendance for commanding and governing the other Watchmen assigned to the said district, every other night, unless prevented by sickness, unavoidable accident, or necessary business, in which case some one of the other Captains on due notice shall attend in his stead and do the necessary duties.

9. *And be it further ordained by the authority aforesaid,* That the several Watchmen besides the two Captains shall do duty in the respective districts assigned to them particularly; but in case of a riot, disorder or other needful occasion, they or so many of them as shall be directed, shall assist the Watchmen in the other districts when required.

10. *And be it further ordained by the authority aforesaid,* That the Captain of each district who shall command the Watchmen of that district at

night, shall the next morning as early as conveniently may be, make return into the office of the Justices of Police in this City, according to the forms to be furnished by the Clerk of this City to the Captains respectively, the number and names of those Watchmen who have served under his command the night preceding, together with the number and names of the defaulters (if any) with the reason of such default if he knows or can ascertain the same.

11. *And be it further ordained by the authority aforesaid,* That each of the said Captains shall keep in a book, to be provided for that purpose, a copy of every such return by him made into the office of the said Justices of Police as aforesaid, and shall exhibit the same for the information of the Common Council when required.

12. *And be it further ordained by the authority aforesaid,* That it shall be the duty of the said Captains to report to the Mayor, Recorder, or one of the Aldermen of the city of New-York without delay, the name of every Watchmen under his particular command, who shall be intoxicated while on duty, or shall in any manner misbehave himself or neglect any of the duties required of him, or shall wilfully or unnecessarily absent himself from duty, to the end, that such Watchman may be dismissed from office; and if any Captain shall neglect so to do, he shall forfeit his office and be removed therefrom by the Common Council; and the said Captains respectively shall from time to time and without delay, report to the Common Council, every vacancy happening in the number of Watchmen under his command by death or otherwise (except

such as shall be removed by the Common Council) with the name or names of such as shall wish to become Watchmen to supply such vacancy.

13. *And be it further ordained by the authority aforesaid,* That each Captain shall be entitled to receive *one dollar and fifty cents*, for every night's actual service in that capacity, and the other services hereby required of him; and each of the other Watchmen shall be entitled to receive *seventy cents* for each night's actual service in that capacity.

14. *And be it further ordained by the authority aforesaid,* That the Watchmen shall be obliged to receive into their custody and detain until the next morning, and until discharged or committed by the proper authority, every person apprehended and delivered to them for any offence whatsoever after eight of the clock in the evening of each day.

15. *And be it further ordained by the authority aforesaid,* That one of the said Watch Districts shall comprehend all that part of the city situate to the southward and westward of a line beginning at the North-river at the lower end of Barclay-street, and running up the middle of Barclay-street to Broadway, and from thence across to the head of Beekman-street, thence down the middle of Beekman-street to Pearl-street, from thence down Pearl-street to Beekman-slip, and thence down the middle of Beekman-slip to the East-river; which shall be denominated the First District: that another of the said Watch Districts shall comprehend all that part of the city situate to the northward and eastward of a line beginning at the East-river, at the middle of Beekman-slip, and running from thence up to the middle of Pearl-street, from thence

up the middle of Pearl-street to the middle of Beekman-street, from thence up the middle of Beekman-street to the middle of Chatham-row, from thence up the middle of Chatham-row to the middle of Orange-street, thence up the middle of Orange-street to Cross-street, and thence northerly on the East side of the Fresh-water, as far out as the Watch shall be placed or directed to do duty so as to comprehend all the northeasterly part of the city where the Night-watch shall be required to stand or patrolle from time to time ; which shall be denominated the Second District ; and that the other district shall comprehend all the residue of the city as far out to the northward and westward as the Night-watch shall be placed or directed to do duty by standing at fixed stations or patrolling, and shall be denominated the Third District.

16. *And be it further ordained by the authority aforesaid,* That sixty-eight Watchmen besides the Captains shall be assigned to and do duty in the first district, and fifty-four Watchmen besides the Captains shall be assigned to and do duty in the second district, and forty-four Watchmen besides the Captains shall be assigned to and do duty in the third district.

17. *And be it further ordained by the authority aforesaid.* That each Captain and every other Watchman shall for the purpose of preserving the peace and good government of the city, obey all orders for that purpose, given by the Mayor, Recorder, or either of the Aldermen of the said city for the time being, and also of the Justices of the Police or either of them, on pain of removal from office.

 CHAPTER XXIX.

A LAW

Relating to Persons Licenced by the Mayor, to retail Spirituous Liquors, under the Charter of the City of New-York, and also to Boarding-house Keepers.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That every person or persons licenced by the Mayor of the said city, to keep a tavern, inn, ordinary or victualing-house, and to sell wine, brandy, rum, strong waters, cyder, beer, ale or any other sort of exciseable or strong liquors, by the retail or small measure shall, within ten days thereafter, place up in front of his, her or their house, shop or store, a show-board or sign, with his, her or their name or names at full length, and also such appropriate word or words to denote they are licenced to retail spirituous liquors to be drank in their house; and if any person or persons shall neglect so to do, he, she or they shall forfeit and pay as a fine the sum of *one dollar* for the first offence, and for every subsequent offence the sum of *five dollars*.

2. *And be it further ordained*, That the Attorney of this Board, shall be authorized, after the recovery and receipt of any penalty under and by virtue of this ordinance, or of any penalty under and by virtue of the Charter of this city for retailing liquors without the licence of the Mayor, to pay over to the

person who shall give the said Attorney such information of any offence against this ordinance, or the said Charter, as shall enable the said Attorney to prosecute the offender to judgment, such part thereof not exceeding one half part of the said penalty so recovered and received, as in his judgment he shall deem meet and proper.

3. *And be it further ordained by the authority aforesaid,* That every tavern-keeper, victualler or other person, who shall receive any person as a lodger or boarder in his or her house, shall within two days thereafter, make a return to the Police Office in the said city, of the name and description of such boarder or lodger, according to printed forms which shall be furnished at the said office; and every person neglecting to make such return, shall for every offence, forfeit and pay the sum of *twenty-five dollars*, except such neglect shall proceed from a refusal of any boarder or lodger to give the necessary information to make such return; and the name of the person so refusing be reported to the said Police Office without delay.

4. *And be it further ordained,* That every person who shall refuse to give any information respecting him or herself, as may be necessary to enable any tavern-keeper, victualler or other person to make such return, shall forfeit and pay the sum of *twenty-five dollars*.

Provided always, That the two preceding sections shall not extend to persons who have for more than one month resided in the City of New-York, and may have removed their lodgings in the said city, nor shall it extend to any tavern-keepers, victuallers or other person or persons, except in those

cases where they receive any person to lodge or board for compensation, to be paid by such boarder or lodger, or other person, for him or her; and every tavern-keeper, victualler or other person upon trial shall be presumed to have or be entitled to receive compensation, unless he or she shall prove to the contrary.

CHAPTER XXX.

A LAW

For regulating Fences in the City of New-York.

SECT. 1. **BE** it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That all partition-fences in the city of New-York shall be made and maintained by the owners of the land on each side; each party to make and keep in repair one half part thereof when it can be conveniently divided: and if any dispute shall arise concerning the division of the fence between the parties, or what part of it shall be made and repaired by each respectively, or concerning the sufficiency of any such partition-fence, or the sufficiency of any other fence in the city of New-York, every such dispute shall be determined by the Alderman for the time being of the ward in which such partition or other fence shall be situated; and where any partition-fence cannot be conveniently divided, the same shall be made and kept in repair at the joint and equal expense of the owners of the land on each side;

and if any person who ought to make and repair any part of any such partition-fence, shall refuse or neglect to do it for six-days after request made to him or to her to do it, then it shall be lawful for the person who ought to make and repair the other part thereof, to make or repair the whole, and to recover one half of the expense thereof from the person who ought to have made or repaired the half of such fence.

CHAPTER XXXI.

A LAW

To prevent the setting of Fences or other Obstructions in the River, within the limits and jurisdiction of the City of New-York.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That no person shall set or place any fence or stake, or any other thing whatsoever, in any part of the rivers or bays within the limits and jurisdiction of the said city, by which the navigation of the said rivers or bays, or the casting or drawing of seins or nets for the taking of fish may be interrupted or obstructed; and if any person shall set or place any fence or stake, or any other thing whatsoever, in any part of the said rivers or bays, contrary to this law, such person shall, on conviction, forfeit and pay as a fine for each offence, the sum of *twenty dollars*. And further, That it shall be lawful for

any person to take up and remove any such fence or stake, or other thing which may at any time be found, set or placed contrary to this law as aforesaid.

CHAPTER XXXII.

A LAW

For procuring regular Bills of Mortality in the City of New-York. Passed 23d of May, 1803.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That the Sextons or other persons having charge of any cemetery, vault or burying-ground within this city, shall keep a register of the persons buried in such cemetery, vault or burying-ground, according to a form herein after mentioned and described, which shall be open to the inspection and examination of any person or persons who may request a view of the same, at all seasonable and proper hours, under the penalty of *twenty-five dollars* for every day he shall so neglect to keep or refuse to permit any person or persons to have a view of, or inspect the same.

2. *And be it further ordained,* That it shall be the duty of the said Sextons or other persons as aforesaid, before the hour of eleven o'clock in the forenoon of Saturday in every week, according to the form herein after mentioned and described, to return the account of the persons buried in the preceding week, with the particulars mentioned and required in the said form, signed by them re-

spectively, to the said Clerk at his office, under the penalty of *twenty-five dollars* for each neglect to return, or for making an informal or incomplete return, unless the said Sexton or other person as aforesaid shall render a reasonable excuse to the said Clerk for making such informal or incomplete return; and if no person shall have been buried, then also to make report thereof at the time before mentioned, to the said Clerk, under the like penalty of *twenty-five dollars* for each neglect; and it is hereby made the duty and enjoined on the said Clerk, to make report of every delinquent Sexton or other person as aforesaid to the Attorney of this Board, that the said delinquent may be prosecuted therefor.

3. *And be it further ordained,* That it shall be the duty of the said Clerk to furnish to the said Sextons or other persons as aforesaid, upon application at his office, copies of the said form; and shall also cause to be published on the Monday in every week in two of the daily papers printed in this city, an accurate list of the deaths of the preceding week so reported as aforesaid, with the age and disease of each person so dying, and where buried. *And also,* On the first meetings of this Board in the months of May and November, cause the reports so made by the respective Sextons to be exhibited to this Board.

AN ACCURATE LIST of Interments in the Burial-ground belonging to

Church, whereof *St Andrew's* is Sexton, from the

last to the 19 day of *April* day of *March* *Sexton.*

Names.	Age.	Street of Residence.	From what Country.	When died.	What Disease.	Remarks.
<i>John Smith</i>	<i>29 y.</i>	<i>St Andrew's</i>	<i>England</i>	<i>19 June</i>	<i>Measles</i>	<i>Sexton</i>
<i>William Smith</i>	<i>60.</i>	<i>road</i>	<i>Ireland</i>	<i>27 May</i>	<i>Rheumatism</i>	<i>do</i>
<i>William Smith</i>	<i>15</i>	<i>road</i>	<i>France</i>	<i>1 Feb</i>	<i>measles</i>	<i>do</i>

CHAPTER XXXIII.

A LAW

To regulate the Sales at Auction in the City of New-York. Passed 23d of May, 1803.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That no goods, wares or merchandize, or other thing whatsoever, shall be placed and there sold or exposed to sale in any street, road, lane or highway, or any wharf or pier in the city of New-York, by any Auctioneer or Auctioneers, his or their Servants or Agents, except between the hours of nine o'clock in the forenoon and one o'clock in the afternoon of each day in the week, and at the places herein after mentioned and appointed, under the penalty of *twenty five dollars* for the sale of each article or for any article exposed to sale.

2. *And be it further ordained,* That it shall and may be lawful for the said Auctioneers to sell or expose for sale at auction on any wharf in South-street, between the centre and outer edge of the said wharf, or in Wall-street between Pearl-street and Front-street, all spirituous, vinous or malt liquors and cyder by the pipe, hogshead, or otherwise; sugar, molasses, flour, beef, pork, or fish; ship furniture, tackle and apparel; and all goods, wares and merchandize saved from shipwrecks.

3. *And be it further ordained,* That it shall and may be lawful for the said Auctioneers to sell or

expose for sale at auction, in Peck-slip, between Pearl-street and Water-street; in Beekman-slip, between Water-street and Front-street; in Burling-slip, between Pearl-street and Front-street; in the Old-slip, between Water-street and Front-street; in Broad-street, between Front-street and South-street; and in Vesey-street, between Greenwich-street and Church-street; household furniture of every description, and all and every other thing whatsoever, (except such things as are mentioned in the preceding and subsequent sections.)

4. *And be it further ordained,* That it shall and may be lawful for the said Auctioneers to sell, or expose for sale at auction, in the square commonly called Chatham-square at the new Watch-house, carriages, horses, and animals of every description whatever.

5. *And be it further ordained,* That it shall not be lawful for any of the said Auctioneers to put or place any thing to be sold as aforesaid in any one of the places aforesaid, before eight o'clock in the forenoon of the day of sale; and every thing so sold as aforesaid shall be removed by the purchaser or purchasers thereof (unless the Auctioneer shall neglect or refuse to deliver the same) before the hour of three o'clock in the afternoon of the same day, under the penalty of *twelve dollars and fifty cents* for each offence: *And further,* If any of the said Auctioneers shall neglect or refuse to deliver to the purchaser or purchasers any article which may have been sold, and shall neglect to remove the same, or shall neglect or refuse to remove any thing not sold before the time last mentioned, he shall forfeit

and pay the sum of *twelve dollars and fifty cents* for each offence.

6. *And be it further ordained,* That the sidewalks adjoining the said places shall remain unincumbered; that a cartway or passage for horses and carriages shall be left and kept open in the middle or centre of each of the said streets, that the intersection of the said streets shall also remain free and unincumbered; and if any Auctioneer or Auctioneers shall incumber or obstruct any walk, street or wharf, except as before mentioned, he or they shall forfeit and pay *ten dollars* for each offence.

7. *And be it further ordained,* That no Bellman or Crier shall be employed at any auction at the places before mentioned, or at any auction at the residence of the respective Auctioneers; and every person acting as Bellman or Crier, at any auction as aforesaid, and every Auctioneer employing, permitting or suffering any person to act as Bellman or Crier, shall respectively forfeit and pay the sum of *five dollars* for each offence.

8. *And be it further ordained,* That the Attorney of this Board shall be authorized, after the recovery and receipt of any penalty, under and by virtue of this ordinance, to pay over to the person who shall give the said Attorney such information of any offence against this ordinance as shall enable the said Attorney to prosecute the offender to judgment, such part thereof, not exceeding one third part so recovered and received, as in his judgment he shall deem meet and proper.

CHAPTER XXXIV.

A LAW

To regulate Ferries between the City of New-York and the opposite Shores. Passed 23d of May, 1803.

SECT. 1. **B**E it ordained by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, That no person or persons whomsoever, except he or they are authorized by this Board for that purpose, shall erect or keep a ferry between the city of New-York and the opposite shores for carrying or bringing of any passengers, horses, cattle, hogs, sheep, goods, merchandize or other thing whatsoever, to or from the said city and the opposite shores, with or without any hire or reward, under the penalty of *twenty-five dollars* for each offence.

2. *And be it further ordained,* That it shall be lawful for the inhabitants or persons residing on the opposite shores, to transport their own goods in their own boats from the opposite shores to the city of New-York, and from the city of New-York to the opposite shores, without paying any ferriage for the same.

Provided always, and it is hereby to be understood, That the inhabitants or persons residing on the opposite shores shall not, under colour or pretext of transporting his, her or their own goods only, be allowed to carry or bring over the goods of any

other person of what kind soever, with or without hire or reward.

3. *And be it further ordained,* That the Attorney of this Board shall be authorized, after the recovery and receipt of any penalty under and by virtue of this ordinance, to pay over to the person who shall give the said Attorney such information of any offence against this ordinance as shall enable the said Attorney to prosecute the offender to judgment, such part thereof (not exceeding one third part thereof) as in his judgment he shall deem meet and proper.

CHAPTER XXXV.

AN ACT

Of the Legislature of the State of New-York, to invest the Mayor, Aldermen and Commonalty of New-York, with adequate Powers in Relation to certain Objects of Importance to the Police and Health of the said City. Passed April 2, 1803.

SECT. 1. **W**HEREAS the general welfare of the State is connected with the safety and health of the city of New-York, which has been visited by destructive and epidemic disease, the causes of which, as far as human wisdom can discover, ought to be removed, and such measures adopted as, by divine favour, may prevent the return of that fatal malady: and whereas it is represented to the Legislature, that noxious exhalations from sunken and damp lots of ground, deep damp cellars, narrow and confined streets, foul and ill-constructed sinks and privies, unfinished water-lots, foul slips, putrid or unsound provisions, and other evils of a similar nature, together with the practice of interring the dead in the heat of summer in improper places, and without due precautions, are among the causes to which the existence or malignity of that disease may be in a great measure attributed: Therefore, to remedy the said evils,

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the Mayor, Aldermen and Commonalty of the said

city in Common Council convened, shall have full power and authority to make and pass such bye-laws and ordinances as they shall from time to time deem necessary and proper for the filling up, draining and regulating of any grounds, yards or cellars within the said city, that may be sunken, damp or unwholesome, or which they may deem proper to fill up, drain, raise, lower or regulate; and also for causing all such lots of ground in the said city, adjoining to Hudson's river, or the East-river or Sound, as they may from time to time think proper to be filled up, with wholesome earth or other solid materials, so far into the said rivers, respectively, as they shall from time to time deem expedient for promoting the health of the said city, and for compelling the proprietors of such lots to make suitable bulk-heads on, adjoining or opposite to such lots, and to raise and fill up the same with such materials, and in such manner, and within such times as the said Mayor, Aldermen and Commonalty shall from time to time direct; and also for filling up, altering and amending of all public slips in the said city, at such times and in such manner as they may deem proper, and for filling up or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and for causing subterraneous drains to be made from the same where they may think it necessary, and for regulating, or if they find it necessary, preventing the interment of the dead within the said city; and for the better regulating of boarding houses and taverns in the said city, and the preventing the resort of crouds of disorderly persons to them, and for preventing

the digging or turning up of made ground or grounds formerly covered with water, during the summer months, without their permission.

2. *And be it further enacted*, That such penalties may be contained in such bye-laws, or ordinances, as the said Mayor, Aldermen and Commonalty shall or may from time to time think proper, in order to enforce a prompt and punctual compliance with the same, and for the punishment of all offenders in the premises, not exceeding *one hundred dollars* for each offence; and that the said Mayor, Aldermen and Commonalty, may from time to time make laws for the regulating of pawn-brokers and dealers in the purchase or sale of second hand furniture, metals or cloths, and that every person carrying on either of the said callings, trades or dealings, shall have a licence from the Mayor of the said city for the same, under the directions of the Mayor, Aldermen and Commonalty of the said city, and shall enter into a recognizance in the penalty of *one hundred dollars*, conditioned for the observance of such ordinances as may be made by the Common Council of the said city in the premises; and the said Common Council are hereby authorized and empowered to make bye-laws and regulations relative to the taxing and destroying of dogs within the said city.

3. *And be it further enacted*, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty in Common Council convened, to appoint one or more persons as inspectors of lots in the said city, who shall have power at all times between sun-rise and sun-set, to enter into any cellar, lot of ground, or building of any kind, and

to examine the state thereof, and to report the same to the said Common Council whenever he or they shall judge that the health of the city may require any alterations or regulations therein.

4. *And be it further enacted,* That in all cases where the said bye-laws or ordinances shall require any thing to be done by or with respect to the property of several persons, or in relation to the filling up, altering or amending any of the public slips in the said city, the said Mayor, Aldermen and Commonalty, in Common Council convened, shall cause the expense of such works to be estimated and assessed in the same manner as by law directed with respect to the paving, altering or regulating the public streets in the said city; and where the same shall relate to the filling up, altering or amending the public slips as aforesaid, one third of the expense attending the same, shall be borne by the said Mayor, Aldermen and Commonalty, and the residue by the persons in the vicinity who may be benefited thereby; and in other cases, such expenses shall be borne by the persons respectively, upon whom the same may be assessed as aforesaid.

5. *And be it further enacted,* That it shall and may be lawful for the said Mayor, Aldermen and Commonalty, in all cases where they may deem it necessary for the more speedy execution of the said bye-laws, laws and ordinances, or any of them, to cause all such works as may be necessary for any of the purposes aforesaid or any part thereof, to be executed and done at their own expense, on account of the persons respectively upon whom the same may be assessed, and shall have full power, and are hereby authorized to levy the same with

lawful interest, and all reasonable costs and expenses attending such proceedings, by distress and sale of the goods and chattels of the proprietors or occupants of the property upon or by reason of which any such sum shall have been assessed, or to recover the amount of every such expense by action of debt in any court of record, from the persons respectively on whose account the same shall have been incurred, their respective heirs, executors or administrators, in all which actions they shall also recover lawful interest upon the said amount, with full costs of suit.

6. *And be it further enacted,* That the amount of every such expense which the said Mayor, Aldermen and Commonalty shall pay as aforesaid on account of others, shall be a real incumbrance upon the houses and lots in respect to which such assessments as aforesaid shall have been made, and shall bear lawful interest until paid; and that the same may be recovered, or the payment thereof with costs enforced, in like manner as if the said houses and lots were mortgaged to the said Mayor, Aldermen and Commonalty for the payment thereof.

7. *And be it further enacted,* That whenever any person shall die in the city of New-York, the Physician or Surgeon who shall have attended such person as a Physician or Surgeon, during his or her last sickness, shall leave a note in writing, signed with his name, with some one of the family in the house where such person shall have died, specifying the name and apparent age of the deceased, and the disease of which he or she shall have died; and every Physician or Surgeon refusing or neglect-

ing to make and deliver such note, shall forfeit the sum of *fifty dollars*; and that no Sexton of any church, or other person having charge of any cemetery, vault or burying-ground in the said city, shall permit any dead body to be interred therein until he has received such note in writing so signed as aforesaid; or in case no Physician or Surgeon shall have attended such deceased person, or the Physician or Surgeon who did attend, shall have neglected or refused to leave such note, then a like note signed by some of the family in which such person shall have died, the contents of which note in writing shall be entered by such Sexton on a blank schedule to be furnished by the Clerk of the city and county aforesaid, and delivered together with the said schedule, on the Saturday in every week, to the said Clerk for publication in such form as may be designated by any present or future ordinance of the Mayor, Aldermen and Commonalty of the city of New-York; and that every Sexton or other person having charge of any place of interment, neglecting or refusing to perform any of the duties required by this act, shall forfeit the sum of *twenty-five dollars*.

8. *And be it further enacted*, That every Practitioner of Physic in the said city shall, whenever called on for that purpose by the Mayor, or in his absence, by the Recorder, give his opinion in writing as to the existence of any infectious or contagious disease in the said city, and that the said Mayor may, when thereunto required, if such opinion will, in his judgment, warrant it, deliver certificates under his Seal of Office, to masters of vessels sailing from the said city, stating the general health of the said city.

9. *And be it further enacted,* That all suits for any penalties imposed by this act, and all penalties, or any bonds taken in the said city, under the act entitled, “ An act for the settlement and relief of the poor,” shall, whenever the same shall be deemed to be forfeited, be sued for, recovered and levied, under the direction of the Mayor of the said city, in the name of the Mayor, Aldermen and Commonalty of the city of New-York, and the proceeds thereof be by them applied to the public use of the said city, and that the Common Council of the said city may have power to remit or compound for the said penalties or forfeitures, whenever the same shall appear to them not to have been wilfully or fraudulently incurred.

10. *And be it further enacted,* That no new street shall hereafter be laid out in the said city, except with the approbation and permission of the Mayor, Aldermen and Commonalty, in Common Council convened, and that if any street shall be laid out without such permission, it shall be lawful for the said Mayor, Aldermen and Commonalty, by bye-law or ordinances, to direct the same to be stopped up, and all buildings adjoining thereto, to be removed by the proprietors or occupants within such times and under such penalties as they shall think proper.

11. *And be it further enacted,* That all streets not already named and opened, shall be considered as new streets within the meaning of this act; *Provided,* That no building erected on any such street not already named and opened, shall be removed until it shall be determined in the mode prescribed in and by the second section of the act entitled, “ An

act for regulating the buildings, streets, wharves and slips in the city of New-York," passed the 3d day of April, 1801, what damage or loss the owner of such buildings will sustain by means of such removal, and until the money awarded to such owner shall be paid or tendered to him.

12. *And be it further enacted,* That whenever any putrid or unsound beef, pork, fish, hides or skins of any kind, shall be found within the said city, it shall be lawful for the said Mayor, Aldermen and Commonalty, or any one of the Inspectors of those articles, or any of them, or any person or persons acting under them, or any of them, to cause the same to be destroyed by starting it or casting them into the stream of either of the said rivers below low water mark, and at a suitable distance from the shore, or in such manner as the said Mayor, Aldermen and Commonalty shall or may from time to time direct.

13. *And be it further enacted,* That cotton in bales, which is the produce of North-Carolina, South Carolina and Georgia, shall and may be brought into the city of New-York at all times. *Provided,* nevertheless, that the Commissioners of the Health-office shall be, and they are hereby authorized to order and direct all such cotton as may be brought to said city between the first day of June and the first day of November, to be landed and stowed in such part of the city as will in their judgment be least injurious to health, any law to the contrary notwithstanding.

14. *And be it further enacted,* That in all cases where a penalty shall or may be contained in any bye-law or ordinance of the said Mayor, Alderman

and Commonalty, and the same not being higher than *twenty-five dollars*, a suit shall be brought for the recovery thereof; a warrant (if required) shall issue in the first instance against the defendant, and as soon as judgment shall be obtained for the recovery of such penalty, execution shall issue for the same, with costs of suit, without any respite or delay.

15. *And be it further enacted*, That whenever in the opinion of the Mayor, Aldermen and Commonalty of the city of New-York in Common Council convened, it shall be necessary for the public convenience to open, extend, and enlarge, straighten, or otherwise improve any street or streets in the city of New-York, it shall be lawful for the said Common Council to order and direct the same to be done accordingly, in such manner as they shall think most advisable; notwithstanding it may become necessary for that purpose to remove any building or buildings, or to take for that purpose any ground which shall be then built on or otherwise improved; and that the said Mayor, Aldermen and Commonalty shall endeavour to treat and agree with the owners of, or those interested in any building or buildings, or ground, to be removed or taken for the purposes aforesaid, as to the compensation to be allowed them respectively for what shall be so taken or removed, and the damages or injury the persons interested therein shall sustain thereby, and to pay them if they can agree, but if the persons so interested therein, or any of them, shall refuse to treat, or if the Common Council and the parties, or any of them, cannot agree, then the said Common Council shall pursue such

measures in relation to compensation to be made to, or paying the damages and injury which the owners or those interested therein may sustain thereby, as are directed by the second section of the act entitled, "An act for regulating the buildings, streets, wharves and slips in the city of New-York," passed the third day of April 1801, which directions being complied with, the same shall be binding and conclusive, in the manner in the said second section of the said act prescribed in all respects, and the right to the said streets when so laid out and made, shall vest in the said Mayor, Aldermen, and Commonalty of the city of New-York in manner aforesaid.

16. *And be it further enacted,* That all the expenses which the said Mayor, Aldermen and Commonalty of the city of New-York shall incur, and the monies which they shall pay or become bound to pay, in consequence of the lawful exercise of power and authority conferred upon them by this act, shall be estimated and assessed among all the owners or occupants of all the houses and lots of ground intended to be benefited thereby in the manner directed in and by the eleventh section of the act entitled, "An act for regulating the buildings, streets, wharves and slips in the city of New-York," passed the 3d day of April 1801, and shall be binding and conclusive, and be collected in the manner therein prescribed. *Provided,* That when any building shall be removed or taken for the purposes in and by this act directed or authorized, it shall be in the discretion of the assessors to assess any portion of the sum to be paid therefor, not exceeding one third part thereof, on the Mayor,

Aldermen, and Commonalty of the city of New-York, who shall be bound to pay the same out of the city treasury.

17. *And be it further enacted*, That all the forms of proceedings necessary to carry the sixteenth and seventeenth sections of this act, and the powers hereby conferred, into effect, shall be conformable, as far as shall be practicable, to the directions of the act herein last before mentioned and referred to, as though the same were here again repeated.

18. *And be it further enacted*, That if any person shall be sued for any thing done in pursuance of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence.

19. *And be it further enacted*, That this act shall be considered as a public act, and be liberally expounded and construed to advance the ends thereof, and enable the said Mayor, Aldermen and Commonalty to promote the health and improve the police of the said city.

20. *And be it further enacted*, That this shall be and continue in force for three years from the passing thereof, and no longer.

21. *And be it further enacted*, That it shall be lawful for the Sheriff of the city of New-York, to pay out of the surplus monies arising from fines and penalties by him collected, to each of the Constables and Marshals of the said city, the sum of *seventy-five cents* for each and every day they shall respectively attend any of the courts of the said city or state, to be holden in said city, upon the certificate of the Clerk of such court, that they have duly attended the same.

22. *And be it further enacted,* That no person acting as Inspector of the State Prison shall be competent or permitted to act as Agent of the said State Prison.

23. *And be it further enacted,* That it shall and may be lawful for the Judges of the Court of Common Pleas, called the Mayor's Court in the city of New-York, or a majority of them, to alter or change the limits or liberties of the jail of the said city and county of New-York, as often as they may deem the same proper and necessary, any law to the contrary notwithstanding.



